

**SUMMARY REPORT**  
**ENVIRONMENTAL ASSESSMENT**  
**FOR THE**  
**PROTECTION OF THE**  
**APPALACHIAN NATIONAL SCENIC TRAIL**  
**ACROSS SADDLEBACK MOUNTAIN**  
**IN FRANKLIN COUNTY, MAINE**

**Introduction**

On June 25<sup>th</sup>, 1999, the National Park Service issued the Environmental Assessment for the Protection of the Appalachian National Scenic Trail across Saddleback Mountain, which analyzed and disclosed the anticipated environmental impacts of several alternatives for protecting the Appalachian National Scenic Trail across Saddleback Mountain in Franklin County, Maine. Approximately 3,000 copies of the Environmental Assessment were distributed to interested members of the public. Additional copies of the document are available upon request from the National Park Service, Appalachian National Scenic Trail, Harpers Ferry Center, Harpers Ferry, West Virginia 25425.

The National Park Service invited the public to submit comments regarding the document during a 60-day public comment period that closed August 31<sup>st</sup>, 1999. A total of 4,493 comments were received from the public. This Summary Report provides a detailed analysis of the comments that were received during the public comment period for the Environmental Assessment, and should be read in conjunction with the Environmental Assessment.

As noted in the Environmental Assessment, the assessment was prepared for a number of reasons: (1) to document factual information about the environment of the Appalachian National Scenic Trail; (2) to analyze and disclose the potential consequences of various alternatives for protecting the Appalachian National Scenic Trail across Saddleback Mountain; (3) to provide a forum for the public to express their concerns; (4) to comply with National Park Service policies and guidelines for compliance with the National Environmental Policy Act; (5) to fulfill National Park Service responsibilities for coordination under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act; and lastly, (6) to help facilitate a sound and reasoned decision, based upon consideration of all relevant known factors, for protection of this 3.5-mile section of the Appalachian National Scenic Trail.

The Environmental Assessment evaluated the impacts of four alternative configurations for a protective corridor of land for the Appalachian Trail across Saddleback Mountain, as well as a “no-action” alternative. Under all four of the action alternatives, the National Park Service would acquire a corridor of land surrounding the Appalachian Trail footpath. In each case, ski area expansion could occur outside (and in one case, inside) the corridor, subject to approval by the Maine Land Use Regulation Commission and other agencies with jurisdiction over development of the area.

In order to have a rational basis for comparison, each alternative analyzed in the assessment included a conceptual “logical development scenario” for ski-area development that could occur outside (and, in one alternative, inside) the protective corridor. These scenarios were based to the extent possible on information provided by the owner of Saddleback Ski Area regarding future expansion plans. However, the owner of the area declined to provide any specific information regarding current operations of the ski area or specific plans for future expansion, or permit access to the property. As a result, the “logical development scenarios” were developed by a professional ski area design firm based on limited information provided by Saddleback Ski Area and information that could be obtained from public sources about the physical attributes and constraints to ski area development on Saddleback Mountain.

### **Recap of the Alternatives**

Four alternatives, representing four different protection alternatives for the Appalachian Trail, plus the “no-action” alternative, were described in detail and analyzed in the environmental assessment. These alternatives were developed for the purpose of comparing and evaluating the effects of alternative levels of protection for the Appalachian Trail. Each alternative represented a different balance between protection of the Appalachian Trail and potential ski area expansion, which could occur on lands outside (and in one alternative, inside) the corridor of land that would be acquired to protect the Appalachian Trail. These alternatives were based in part upon issues and concerns identified during scoping, in part upon information provided in resource analyses and studies conducted as part of the assessment, and in part upon alternatives that have been developed during 15 years of negotiations between the National Park Service and Saddleback Ski Area. For a full description of the alternatives, please refer to the Environmental Assessment.

*Alternative #1: Preservation of the Existing A.T. Experience across Saddleback Mountain:* This alternative, which the National Park Service proposed to Saddleback Ski Area in 1987, would ensure continuity of the Appalachian Trail footpath, protect virtually all of the alpine and subalpine areas from further disturbance, protect the foreground view area as seen from the Appalachian Trail, and preserve the backcountry recreational experience and existing, undeveloped character of the visual landscape of the Appalachian Trail when viewed from the ridgeline of Saddleback Mountain. This alternative would include acquisition of a large tract of land west of Eddy Pond that, if developed, would be clearly visible from the southwestern end of the Saddleback Mountain ridgeline, and a large triangle of undeveloped land on the southeast side of Saddleback Mountain. In total, this alternative would protect approximately 2,860 acres. (See Map 2.2 on page 2-5 of the Environmental Assessment.)

*Alternative #2: Protection of the Visual Foreground Zone as Seen from the Appalachian Trail across Saddleback Mountain:* This alternative, which the National Park Service proposed to Saddleback Ski Area in 1996, would ensure the continuity of the footpath, preserve virtually all of the alpine area and most of the subalpine area of Saddleback Mountain, and protect an area that approximates the “visual foreground zone” identified using the U.S. Forest Service’s Visual Management System. (See Map 2.3 on page 2-6 of the Environmental Assessment.)

Under this alternative, the Trail corridor would encompass Eddy Pond, portions of the southwest side of the mountain, the Maine Critical Area, and the upper portions of the “saddle bowl” between Saddleback and The Horn. A timber access road right-of-way would be retained by Saddleback Ski Area along the existing roadbed north of Eddy Pond. No new ski area or other development would be allowed within the Trail corridor. In total, this alternative would protect approximately 893 acres.

Alternative #3: Saddleback Ski Area Proposed Alternative: This alternative, which Saddleback proposed in April 1999, would affect a 660-acre area as shown on Map 2.4 on page 2-8 of the Environmental Assessment. Under this alternative, Saddleback Ski Area would grant a passageway across a corridor 500 feet in width where the Appalachian Trail is located on the property boundary and 1,000 feet in width where the Trail is located on Saddleback Ski Area lands. In addition, a large area around Eddy Pond would be available for primitive recreational uses. No ski lifts would be closer than 200 feet to the footpath of the Appalachian Trail, and no development would be permitted above a “mountain top tree line” defined by Saddleback Ski Area ranging from 50 to 400 feet in width. Snowmaking equipment and utilities would be buried within 50 feet of the footpath of the Appalachian Trail.

In addition to being able to develop all of the lands outside the corridor, Saddleback Ski Area would retain extensive development rights *within* the granted passageway, including rights to:

- construct five new ski lifts, including three in the “saddle bowl” and two on the southeastern side of the mountain
- build, excavate, work, and grade terrain for ski trails, pipes, lifts, buildings, and other ski related facilities
- build and use structures, buildings, ski lifts, skiing trails, wind barriers, snowfencing, signs, snowmaking pipes and facilities, electrical, water, telephone, and utility lines and other recreational facilities
- cut and control trees and other vegetation as necessary
- conduct all other activities useful to the operation of a commercial ski area
- construct two ski trails, each less than 200 feet in width, across the Appalachian Trail
- sponsor commercial recreation activities
- improve and use an access road, and construct and operate utility lines, water lines, snowmaking pumps, sheds, and other facilities within a 200-foot wide right-of-way
- dam and control water depths in Eddy Pond, and add to, store, and withdraw water from the pond
- construct, maintain, and use snowmaking sheds, pumps, pipelines, and other facilities

Alternative #4: “Optimal” Ski Area Development Alternative: In January 1999, Sno.engineering, Inc., (a professional ski area design firm) was asked by the National Park Service to develop a conceptual plan for optimal ski area expansion on Saddleback Mountain. The National Park Service then designed a Trail corridor that excluded those areas that would be developed. This alternative, which would protect approximately 784 acres, would ensure the continuity of the footpath, protect most of the alpine and subalpine areas of Saddleback Mountain, and protect much of the visual “foreground” area identified using the U.S. Forest Service’s Visual Management System.

The corridor would encompass Eddy Pond, most of the Maine Critical Area, and most of the upper portions of the “saddle bowl” between Saddleback and The Horn. (See Map 2.5 on page 2-10 of the Environmental Assessment.) No new ski area or other development would be allowed within the Trail corridor. However, the Trail corridor would exclude an area immediately below the Appalachian Trail as it passes through the “saddle” between Saddleback Mountain and The Horn, where a ski lift and several new ski trails could be constructed. Extensive ski area development also could occur on the western and northern slopes within the “saddle bowl” below 3,500 feet. A timber access road would cross the Appalachian Trail on the existing roadbed north of Eddy Pond.

The “No-Action” Alternative: The “no action” alternative also was considered in the Environmental Assessment. This action would leave this 3.5-mile section of the Appalachian National Scenic Trail unprotected, which would not meet the direction provided by Congress in the National Trails System Act.

### **Summary of Public Involvement**

The opportunity for public involvement has been provided at numerous intervals during the environmental-assessment and Trail planning process for protecting the Appalachian Trail across Saddleback Mountain. In June 1987, when the National Park Service issued an abbreviated environmental assessment to evaluate several Trail-protection alternatives across Saddleback Mountain, more than 1,100 people responded. A follow-up summary report was issued in December 1987 to inform the public of the outcome of that Environmental Assessment and the expectations for the future. At several other intervals in the next decade, the public was apprised of developments in negotiations through letters, mailings (including the updated *Appalachian Trail Land Protection Plan*), press releases, and news updates.

The current environmental analysis process began in June 1998, when the National Park Service issued a “scoping letter” that invited members of the public to identify issues and concerns that they felt should be addressed in an updated environmental assessment. Approximately 270 comments were received. In September 1998, the National Park Service issued a “scoping summary” of the comments and concerns received during scoping to everyone who had submitted comments during the scoping process.

On June 25<sup>th</sup>, 1999, the Environmental Assessment for the Protection of the Appalachian National Scenic Trail across Saddleback Mountain, Franklin County, Maine, was issued for public review and comment. Notices and press releases announcing the availability of the document were published in local and regional newspapers for three successive weeks. The notices also announced the location, dates, and times for three public meetings that were held in Rangeley, Bangor, and Portland, Maine.

Three public meetings were held in August 1999. One hundred and eleven people signed the attendance sheet for the public meeting held August 3<sup>rd</sup>, 1999, in Rangeley, Maine. Forty-seven people signed the attendance sheet for the public meeting held August 4<sup>th</sup>, 1999, in

Bangor, Maine, and 91 signed the attendance sheet for the public meeting held August 4<sup>th</sup>, 1999, in Portland, Maine.

These public meetings were originally scheduled as open houses to answer questions from the public, display information developed during the environmental assessment, and receive public input in an informal setting. The National Park Service contracted for a court reporter to receive comments in a one-on-one setting from members of the public who wished to provide them. However, a number of the attendees at the initial public open house in Rangeley, Maine, on August 3<sup>rd</sup>, 1999, made it clear that they wished to have an opportunity to speak publicly regarding the issue. After a brief interruption, the open house format was replaced by a public-hearing style meeting, and the court reporter set up in a separate area to receive comments for the official public record. The National Park Service revised the format for the two subsequent public meetings, which were held in Bangor and Portland, Maine, on the following day. The format for these meetings was changed to provide a brief opportunity for people to review the displays and ask questions of National Park Service employees, followed by a formal public-hearing style meeting.

During the 60-day public comment period, which ended August 31<sup>st</sup>, 1999, a total of 4,493 people submitted written or oral comments. This summary report, which is being distributed to all members of the public who submitted comments, will complete this final phase of the environmental assessment process.

### **Record of Public Comments**

A complete record of the public comments received in response to the environmental assessment is on file at the Appalachian Trail Park Office, in Harpers Ferry, West Virginia. In addition, a complete copy of all public comments has been provided to the Maine Congressional delegation and is available for public review in the office of Senator Susan M. Collins.

### **Summary of Public Comments**

A total of 5,508 comments were received in response to the environmental assessment. Of this total, 1,107 were duplicate entries. A number of comments were signed by more than one person. The final number of respondents, after adding all individual signatures and eliminating duplicate entries, was 4,493.

Comments that expressed an opinion for or against the project (including many that expressed reasons why the respondent supported a particular alternative) were catalogued by alternative in a database. If a respondent indicated support for Appalachian Trail protection or expansion of Saddleback Ski Area without identifying a specific alternative, their support was catalogued separately under headings for these two categories.

It is important to note that comments supporting a specific alternative are not considered a factor in the environmental analysis, although they may be considered by a decision-maker as indications of public support for a given alternative.

A tally of the number of individuals who indicated support for each alternative is provided below. (In some cases, individuals provided their comments in more than one form or submitted more than one response. In the summary that follows, only one comment has been counted for each person to avoid duplicate entries. However, all comments were evaluated for representative and substantive comments.)

1,782 people supported Alternative #1 (Preservation of the Existing A.T. Experience)  
224 people supported Alternative #2 (Protection of the Visual Foreground Zone of A.T.)  
2,176 people supported Alternative #3 (Saddleback Ski Area's Proposed Donation)  
3 people supported Alternative #4 (Sno.engineering's Optimal Ski Area Development)  
298 people supported Appalachian Trail protection but did not identify an alternative  
34 people supported Saddleback Ski Area but did not identify a specific alternative

Alternative #1: The 1,782 comments that were received in support of Alternative #1 were submitted in a variety of different formats. Approximately 38.2% of the comments were provided in letter form and 59.0% of the comments provided via electronic mail. It was apparent that many of the electronic mail submissions were generated by people who had contacted a specific website that provided information about the Appalachian Trail and the issue of Trail protection on Saddleback Mountain. Comments in support of Alternative #1 included (after duplicates were removed):

680 people who responded by letter  
1,051 people who responded by electronic mail  
9 people who provided oral comments  
8 people who responded by comment form  
14 people who responded by postcard  
1 person who responded by questionnaire  
19 people who responded by petition

Alternative #2: The 224 comments that were received in support of Alternative #2 also were submitted in a variety of different formats, with 56.2% provided in letter form and 19.6% provided via electronic mail. Comments in support of Alternative #2 included (after duplicates were removed):

126 people who responded by letter  
44 people who responded by electronic mail  
5 people who provided oral comments  
6 people who responded by comment form  
6 people who responded by postcard  
1 person who responded by questionnaire  
36 people who responded by petition

Alternative #3: The 2,176 comments that were received in support of Alternative #3 also were submitted in different formats, with 71.2% being provided in preprinted postcard form and 25.9% in preprinted questionnaire form. All of the postcards were identical in form and content and were received as part of a bulk mail submission from Saddleback Ski Area. It was

apparent that all of the postcards were the result of a campaign by the ski area to generate support for Alternative #3. A similar questionnaire campaign, consisting of two identical questionnaire forms, resulted in an additional 563 responses supporting Alternative #3.

Comments in support of Alternative #3 included (after duplicates were removed):

- 23 people who responded by letter
- 8 people who responded by electronic mail
- 23 people who provided oral comments
- 9 people who responded by comment form
- 1,550 people who responded by postcard
- 563 people who responded by questionnaire

Alternative #4: Three comments were received in support of Alternative #4. Comments in support of Alternative #4 included:

- 3 people who responded by letter

General support for the Appalachian Trail: An additional 298 people indicated that they supported protection of the Appalachian Trail, but did not indicate their preference for any specific alternative. These comments included (after duplicates were removed):

- 99 people who responded by letter
- 107 people who responded by electronic mail
- 9 people who provided oral comments
- 3 people who responded by comment form
- 8 people who responded by postcard
- 17 people who responded by questionnaire
- 55 people who responded by petition

General support for Saddleback Ski Area: Finally, 34 people indicated that they supported expansion of Saddleback Ski Area, but did not indicate their preference for any specific alternative. These comments included (after duplicates were removed):

- 7 people who responded by letter
- 3 people who responded by electronic mail
- 15 people who provided oral comments
- 3 people who responded by comment form
- 2 people who responded by postcard
- 4 people who responded by questionnaire

### **Representative Comments**

The 4,493 comments that were received in response to the Environmental Assessment included a vast array of analyses, arguments, reasons, rationales, opinions, and strongly held beliefs, most of which were expressed in support of a specific alternative. Although thousands of

comments were received that articulated these arguments in different words, the “representative” comments provided below best illustrate the primary themes that people provided in support of specific alternatives.

#### Representative Comments Supporting Alternative #1

Comment #0601: “Why is Saddleback so special? All around, 360° views are rare in the eastern United States. Most of the few that exist are from summit points. Still rarer and still more spectacular are *areas* rather than *points* of 360° views. Strolling through such areas gives a magical feeling that I won’t attempt to describe. I can think of only six such areas on the Appalachian Trail: the Roan Highlands, the Mount Rogers grasslands, the Franconia Range, the Presidential Range, Saddleback, and Katahdin. Of these areas, the Roan Highlands and the Presidential Range are accessible by automobiles. From the Franconia Range one can see and hear the traffic of an interstate highway funneled through the notch below. Mount Rogers is hemmed in by roads and farms. Saddleback, by contrast, offers wild and forested views from a 2.5-mile walk above timberline, situated within a stretch of Appalachian Trail 32 miles between paved road crossings. Of these six areas, only Saddleback and Katahdin offer experiences both spectacular and remote. I believe that Saddleback is actually superior to Katahdin, and that it provides the most spectacular remote experience of the entire Appalachian Trail.”

Comment #1353: “This alternative will allow the existing Saddleback Ski Area to expand to four times its present capacity, while increasing substantially visitor expenditures and jobs in the Rangeley region. At the same time, Alternative 1 provides for preservation of the existing Appalachian Trail experience, and protection of a significant corridor along the Trail (including the highly sensitive alpine zone and much of the subalpine zone)...This Alternative best balances the legitimate needs of the Ski Area for expansion; the objectives of the Rangeley region for economic growth; and the desires of hikers for an undiminished trail experience in the Saddleback area, one of the most exceptional in New England. For that reason, Alternative 1 also best protects the very substantial investment that the United States has made in acquiring and protecting the Appalachian Trail corridor.”

Comment #1824: “Saddleback Mountain’s ridge top supports at least 1524 acres of unique plant communities, identified by the Maine critical area program years ago. I have verified their assessment through my own fieldwork. The ridge top and slopes of the mountain support a quasi-tundra environment, including such rare alpine species as baked appleberry (*Rubus chamaemorus*), mountain sandwort (*Minuartia groenlandica*), boreal blueberry (*Vaccinium boreale*), Lapland diapensia (*Diapensia lapponica*), and several grasses and sedges. These species occur in such rare communities as alpine ridge, alpine bog meadow, and subalpine spruce slope. Saddleback very clearly represents one of Maine’s best three or four examples of alpine habitat. Studies around the world have demonstrated that plants in these communities grow very slowly, are very fragile, and recover poorly from disturbance.”

Comment #1850: “If the Appalachian Trail is a unique and nationally significant resource, and if it is to be remote and detached from civilization so that its followers can experience solitude and be part of the natural environment...and if land for its corridor is to be acquired to preserve



the Trail's remote character; to avoid intrusions on the Trail experience from incompatible development; to preserve natural and *geologic* features, *vistas*, and *vegetation*; to avoid uses inconsistent with natural values; and to preserve the character of the area...and if the National Park Service is to protect and conserve the *scenic*, historic, *natural* and cultural aspects of the area through which the trail passes, and is to seek to acquire Trail land if it has unusual importance for its *scenic* qualities...consider nothing less than Alternative #1."

Comment #1944: "Despite all the attention paid to the visual impacts of ski area development, trail protection is not simply an issue of "hiker viewsheds." Trail protection on Saddleback also includes the protection of the ecological integrity of a unique mountain that hosts an irreplaceable plant community and fragile soils. An encounter with majestic Saddleback includes not just scenic and recreational values, but also the scarcer values of passing through undisturbed habitat, hearing rare alpine bird species and discovering signs of alpine life."

Comment #3072: "I have seen the power of the Appalachian Trail and the richness it offers the hiker. Rewards of personal accomplishment, fulfillment, smiles to be touched by the incredible expanse and variety of the natural world. The experience of the AT is a life altering opportunity, a place where one can slow down, reconnect with themselves and strip away the pressures of our ever increasing fast paced life...The Appalachian Trail is so unique, so important, so extraordinary, this jewel cannot be sacrificed to unrealistic development. The Appalachian Trail provides the opportunity for solitude, relaxation, contemplation, experiences that are more and more difficult to find in the ever more crowded eastern United States."

Comment #3078: "Saddleback has had the opportunity and the permits to expand and upgrade its operation for many years. For whatever reason, Saddleback has fallen behind in an industry that has lost steam. In contrast, alternative winter recreation in the Rangeley area and elsewhere in Maine has flourished. Saddleback owners have done a good public relations job of clouding this issue and focusing attention to jobs and economic development while in fact doing very little about either. At this point, the critical issue to me is to protect the trail experience across one of the most important sections of the entire AT."

Comment #3087: "It's impossible to compare mountains. All mountains are unique, but the exposed glacier-scarred bedrock, sense of wildness, superb views, rare alpine plants, and freedom from development make Saddleback one of the great mountain experiences of the northeast."

Comment #4977: "Saddleback would retain the right to develop or build on the 660 acres! Some gift!"

#### Representative Comments Supporting Alternative #2

Comment #0653: "I would like to think that our grandchildren will someday walk across the majestic bedrock ledges on the rooftop of Maine and salute the wisdom of decision makers back in 1999. Let them smell the fragrance of mountainside evergreen, spy a rare alpine flower, and look out on the unbroken wave of rugged mountains that is our natural heritage. Let them feel as I felt back in 1972 that Maine is the wildest, most beautiful spot in the world."

There is great restorative power in wild, undisturbed places, places which are disappearing at an alarming rate as we begin the new millennium.”

Comment #1133: “Saddleback is a Maine treasure and an American treasure. It holds some of the most remarkable alpine features of any mountain in Maine – and for that matter, of any mountain along the entire 2160 miles of the Appalachian Trail. I have hiked its glacier-scoured ridgeline. I have marveled at stunning views, alpine terrain in the foreground, Maine’s western mountains and the remarkable lake country in the distance, views utterly precious and unique in the eastern United States. Saddleback is in a category with Katahdin and Bigelow, two other Maine mountains on the Trail that enjoy special and extensive protection because of wise forethought by Maine people and its leaders.”

Comment #1135: “Alternative 2 protects all the alpine communities, provides substantial protection for the adjacent sub-alpine communities, allows minimal viewshed intrusion, fulfills the mandate of the National Scenic Trails Act to protect the AT trailway and experience, and allows the current or eventual owners of the ski area to expand operations at the ski area by roughly 9 times their current capacity...Further, the current owner has made no effort to upgrade his current properties despite receiving permission to do so in 1987. He has neither upgraded the property or its facilities, despite protestations that he wished to redevelop the property into a destination class resort. This, combined with the fact that the current owner has placed the resort up for sale, demonstrates clearly that the current owner’s only real interest here is in preserving the illusion that the property has potential as a destination class resort, and thus preserve the illusion that the property is worth more than it is. This tends to degrade the relative value of the owner’s interests as compared to the mandate of the trail and the need to protect species and our nation’s dwindling wild places.

Comment #1807: “Under Alternative 2, the NPS would acquire at fair market value an 893-acre corridor along the 3.5-mile section of the Appalachian Trail extending from Eddy Pond, across the alpine ridgeline of Saddleback, to the peak of The Horn. Such a corridor would conserve:

1. the remote character and water quality of Eddy Pond
2. important rare alpine and subalpine plants and animals within the Maine Critical Area
3. much of the scenic landscape viewed from the Trail, including the remarkable 2.5-mile above treeline segment

Alternative 2, while limiting potential ski-area expansion to some degree, also would provide an opportunity for:

1. the ski area to expand to nine times its current skier capacity
2. the ski area to achieve a distribution of ski terrain that closely follows industry standards, with significant increases in trail acreage for all skier-ability levels (including advanced and expert) ranging from 150 to more than 300 percent
3. enormous potential economic benefits to the Rangeley community and Franklin County, including an estimated \$81 million in construction and visitor spending and the creation of 750 new jobs.”

Comment #1810: “Exclusion of development rights within the trail corridor is of particular concern to us because any potential crossing of the trail by a ski run, access road, buried snow-making equipment, etc., compromises the visual, aesthetic, and natural character of the trail corridor. We believe that preservation of Eddy Pond (designated a ‘water quality limited lake’ by the Maine Land Use Regulatory Commission (LURC)) and the headwaters of tributary streams on Saddleback is critical. For ecological reasons, such as the protection of krummholz communities and Bicknell’s Thrush habitat, we believe that the Maine Critical Area should not be compromised. Protection of the ‘saddle bowl’ is as ecologically important as it is visually important.”

Comment #1859: “An examination of Alternatives #3 and #4 suggests options with significant adverse effects and only marginal potential increased economic advantage to the community and the ski area owner(s). The public interest, both local and regional, as well as the natural environment are best served by the more modest approach reflected by Alternative #2...As a Maine resident who uses the Saddleback area, I am sensitive to the long-term needs of the local economy and of the recreation/conservation communities. However, in this case there is no true dichotomy between economy and ecology. Both needs may be adequately served.”

Comment #1915: “This would allow the ski area to expand to nine times current skier capacity (comparable to Sugarbush in VT), while completely protecting the alpine terrain, Eddy Pond, and the visual foreground zone of the Appalachian Trail. Part of my decision is influenced by the fact that the ski area already has a presence on Saddleback Mountain, though it is virtually undetectable from the trail. Therefore, this area is not truly pristine and undeveloped. In fairness to my ideals, I think the resources of the mountain should be balanced between different recreational pursuits, and that the mountain should provide sustainable opportunities. Saddleback may need more leeway than Alternative 1 provides in order to remain competitive, and therefore, in order to provide lasting economic benefits to the region.”

Comment #1961: “Alternative 2 is consistent with the spirit of the laws Congress has passed over the years that are designed to protect the AT, America’s premier National Scenic Trail. It is fair and serves the interests of the AT, the ski area, the community, and future generations of Americans who have invested millions of dollars and 30 years in a nearly completed effort to protect all 2,160 miles of the AT.”

Comment #2248: “Alternate 2 will allow construction of previously permitted ski facilities and allow the ski area to expand by a factor of nine. This would preserve one of the most outstanding sections of the Appalachian Trail and allow the ski area to rival Sugarloaf. I have skied Saddleback. I am a landowner in the area. The available terrain under Alternative 2 is wonderful, but the existing lifts are horrible. Alternate 2 allows for correction of these deficiencies and allows Saddleback to compete.”

Comment #2764: “To accept a level of protection less than that offered by Alternative 2, on such a spectacular section of trail and when we are so close to finally protecting the entire length of the AT, would be a deplorable culmination of the 30 years of effort and millions of dollars spent on protection of the AT.”

Comment #3042: “If this was 1935 when this trail was cut across Saddleback, there really wouldn’t be any question. My grandfather was one of the CCC guys who had a job building the trail...The real issue for me is the protection of the mountain and the legacy that my grandfather left.”

### Representative Comments Supporting Alternative #3

Comment #1062: “The Rangeley Lakes Region is badly in need of economic development. Here we have an opportunity to possibly enhance the support of some development, and the Park Service stands in the way. I firmly believe that a landowner should have first priority on what he does with his land, as long as he is not adversely affecting his neighbor or the general public. In defense of the Appalachian Trail supporters, I would certainly hope that the Breens or whomever may own Saddleback Mountain in the future, would allow access over the top of that mountain. I believe that is all that is necessary.”

Comment #1144: “As a resident of Rangeley for 37 years and a former business owner, I realize how important the Saddleback Ski Area has become not only monetarily but also for the good of the young people and families here in the Rangeley Region.”

Comment #1830: “All of the Park Service designed Alternatives (Nos. 1, 2, & 4) do not allow skiers to cross the Appalachian Trail and ski the south bowls. Without this expert terrain, the ski area cannot compete and will die. Skiers will not drive five hours to a ski area that offers only skiing that is abundantly available much closer to home. Such a result will deny to hundreds of thousands of skiers, and to the state of Maine, a unique mountain that can become a world class ski resort and potentially the largest in the eastern U.S. It will deny the residents of Rangeley and Franklin County the jobs and economic benefits that a ski resort at Saddleback can bring to Western Maine...an area that relies upon tourism as its major industry.”

Comment #1969: “Alternative 3 addresses the needs of all the interested parties because it:

- Provides for preservation and protection of the trail passageway, consistent with the National Trails System Act.
- Insures continued maximum benefits from the land, as provided for in the Act.
- Provides for multiple recreational use of the affected area, as permitted under the Act.
- Provides reasonable positive potential economic impact to the people of the Rangeley region.”

Comment #2025: “The AT is not a wilderness footpath, as it crosses under numerous power lines, through numerous towns, across (under or over) numerous interstate highways, and yes, near numerous ski areas. To me, these man-made objects do not hinder the trail experience. They are necessities of human life and some are cultural resources that help make the AT experience...Therefore, I favor alternative 3 of those in the EA. Expansion of the ski area would surely affect the view from Saddleback ridge, but in my opinion it would not detract from the AT experience. In fact, it might even add to it. Also, it would not be fair to keep back the citizens of Franklin County Maine economically simply because some hikers don’t want to

see development from the trail on land they have no interest in, tax-paying interest that is. Protect Private Property Rights!"

Comment #2834: "Private property rights are paramount and should not be compromised by the Park Service's proposed confiscation."

Comment #3028: "I find ski trails beautiful, personally. I see no reason why anybody should object to looking at them since a lot of hikers also like to ski."

Comment #3044: "(I)t appears that the 660-acre alternative, Alternative #3, provides for an appropriate level of protection for the Appalachian Trail when compared with other ski areas along the trail. It's been suggested that Saddleback cannot be compared with other ski areas where the trail passes along structures, lift terminals, and ski trails. It's my view it's unfair to hold Saddleback to unparalleled standards."

Comment #4788: "We do not need any more public land eroding our tax base here in Maine."

Comment #4902: "There is approximately one hiker to every 5,000 or so skiers. There will be little conflict between the two due to seasonal use. The Appalachian Trail crosses many areas that are not remotely pristine or otherwise desirable. It is unbelievable to me that a quick view of a deserted ski area would be objectionable to hikers. The National Park Service is being unreasonable in this matter and we urge them to accept Alternative 3."

Comment #4935: "Business opportunities in Maine are hard enough to come by, and to limit or discourage one that is environmentally friendly and a thriving industry is not wise. As a landowner I have a great concern with the amount of land the Park Service feels it needs to preserve a small corridor. The need to preserve distant views is a threat to all forest landowners. Please remember that the Appalachian Trail crosses through many developed areas in other parts of the system. Everything along the Trail is just part of the experience. I find it hard to believe that Saddleback's offer would detract from the experience."

Comment #4997: "As a [Maine] state resident landowner and business owner I strongly feel that private property rights are being trampled by local, state and federal government laws, regulation, and taxation. As individual rights erode so will the concept of democracy."

Comment #5020: "We have skied at Saddleback for over 40 years. We have watched the buildings and lifts get older and older as well as the very dedicated employees! We want our mountain to live and provide wonderful family recreation for generations to come. Every year we hold our breath in hopes that the Mountain will open another year and to date it has but I feel it has had it's share of struggles and it's time to settle this issue and let Saddleback continue to offer wonderful healthy family recreation as well as provide jobs for the community."

Comment #5155: "As a small business owner in the Rangeley area, Saddleback means revenue during a "slow time" in this tourism driven town. Customers who stay with us love the mountain to ski, however, some have expressed the desire for the mountain to upgrade their

facilities. Its time to settle this dispute and get on with business, Rangeley needs the AT for the hikers but it also needs to remain competitive in the tourism industry and skiers bring revenue.”

#### Representative Comments Supporting Alternative #4

Comment #1997: We support Alternative Four as the least damaging to the trail and the alternative which would allow the ski area to expand as outlined to an almost maximum degree. Alternative Four would present the least damage to the area of Eddy Pond and Saddleback section of the A.T. Assessing the unlikely acceptance of that by the group behind the seeking of easements around Eddy Pond and over the trail, we, therefore, also support the No Action Alternative and offer the following explanation:

1. The proposed expansion over the top of the mountain into a so-called southeast bowl is not economically nor environmentally possible without destruction of a large fragile alpine area.
2. The utilization of Eddy Pond for water usage or snow making would be a disaster to the trail experience around the pond and in viewing the pond from the mountain. The ecological damage to the pond and its environs would be profound and irreparable.
3. The proposed deed (which I have studied) to the park service outlined in Alternative Three is specious. It grants easements and rights that could not otherwise be obtained through LURC.
4. Rangeley’s past and economic future is dependent on the wilderness experience that many enjoy in this region. Saddleback has been an important element of that experience. The A.T. is part of that experience.

#### **Substantive Comments and Responses**

Substantive comments are the critical component of the public review and comment process for an environmental analysis. National Park Service guidelines for compliance with the National Environmental Policy Act (NPS-12) describe substantive comments as those which:

- 1) Question, with a reasonable basis, the accuracy of the information contained in the environmental assessment;
- 2) Question, with a reasonable basis, the adequacy of the environmental analysis;
- 3) Present reasonable alternatives other than those presented in the environmental assessment; or
- 4) Cause changes or revisions in the proposal.

Consistent with NEPA regulations (40 CFR 1503.4(b)), responses have been prepared for all substantive comments. In addition, in certain cases where a comment was not substantive but appeared to indicate that information in the Environmental Assessment was either misunderstood or unclear, a response has been prepared to clarify the information provided in the assessment. Substantive comments are analyzed in this summary report in a standard “question and answer” format.

Substantive comments were categorized by specific discipline for evaluation and response. Not surprisingly, most of the substantive comments focused on rare plant and animal species, recreation resources (both skiing and hiking), visual resources, socioeconomic impacts, consistency with planning documents, legal issues, and negotiations.

<u>Issue or Resource Concern</u>	<u># of Substantive Comments</u>
Geology, Landforms, and Soils	2
Natural Communities, Rare Plant Species, and Rare Animal Species	21
Wildlife	3
Water Resources	3
Recreation – Trail-related	17
Recreation – Ski-related	38
Visual Resources	13
Cultural Resources	1
Socioeconomic	55
Consistency with Planning	17
Negotiations and Alternatives	37
Legal	16
Other Alternatives	15
Other Issues	3
Total	241

### **Index of Substantive Comments by Author**

The following index is provided as a cross-reference to the substantive comments and responses that follow.

Note: In some cases, a specific issue or concern was raised by two or more commentators. For the sake of brevity, in these instances only one of the comments was selected and responded to. A cross-reference to the remaining comment or comments that addressed the same issue is provided in brackets [ ] at the end of the selected comment. For example, Comment #0643 states that “disturbing the subalpine forest at all will have a ripple effect on the krummholz directly above.” The same issue was raised in Comment #1857. A notation to this effect follows Comment #0643: “[This concern also was raised in Comment #1857.]”

### **Congressional Representatives and Government Agency Comment Letters**

<u>Legislative Body/Governmental Agency</u>	<u>Representative</u>	<u>Cmt. #</u>	<u>Issue/Concern</u>
State Representative, Maine Legislature	Campbell, Dick	3044	planning
State of Maine, United States Senator	Collins, Susan M.	1192	planning; socioeconomic; legal; recreation – ski area
State of Vermont, House Representatives	Deen, David L.	1494	negotiations
Selectman, Town of Mount Vernon	Jones, Dean	3082	soils; recreation – ski area; socioeconomic
State of Maine, Land Use Regulation	Todd, Frederick W.	1808	planning

## Organizations and Businesses Comment Letters

<u>Organization/Business</u>	<u>Representative</u>	<u>Comt. #</u>	<u>Issue/Concern</u>
Appalachian Trail Conference	Field, David B.	1807	rare species; visual; legal; planning; negotiations; socioeconomic
Dartmouth Outing Club	Hooke, David	0353	socioeconomic
Eagle's Nest Foundation	Bishop, Jim	1834	socioeconomic
Forest Watch	Northrup, James M.	1548	recreation – A.T.
Holman Law Offices	Holman, Joseph	4960	recreation – ski area; visual
Natural Resources Council Of Maine	Johnson, Catherine	1809	rare species; other alternatives
Philadelphia Trail Club	Kenna, Edward	0009	other alternatives
Philbrick Enterprises	Philbrick, Stephen	3065	socioeconomic
Rangeley Region Economic Growth Organization	Ellis, Paul N.	1969	recreation – A.T.; cultural; visual; socioeconomic
Restore: The North Woods	St. Pierre, James A.	2155	negotiations; other alternatives
Saddleback Ski Area, Inc.	Breen, Donald J.	1830	recreation – ski area; legal; negotiations; visual; planning
Saddleback Ski Area, Inc.	McAllister, Tom	3089	visual
Ski & Lake Preserve of Saddleback	Breen, Katherine H.	1829	negotiations; visual; wildlife; recreation – ski area; other issues
Ski & Lake Preserve of Saddleback	Breen, Katherine H.	3058	recreation – ski area; planning; negotiations; legal
Ski & Lake Preserve of Saddleback	Breen, Katherine H.	3084	recreation – ski area; planning; negotiations; legal; natural communities
The Nature Conservancy, Maine	Royte, Joshua	0346	natural communities
Western Maine Audubon Society	Kimber, Robert	1963	rare animal species
Wilmington Trail Club	Sohl, Edward	1495	recreation – A.T.; socioeconomic

## Individual Comment Letters

<u>Individual</u>	<u>Cmt. #</u>	<u>Issue/Concern</u>
Adams, J. Walker	1439	recreation – A.T.
Adams, J. Walker	1440	recreation – A.T.
Allen, Dan	0592	natural communities; other alternatives
Aloes, Elaine	5107	socioeconomic
Baker, Tim	3030	recreation – ski area
Berry, Irene	1871	recreation – ski area; recreation – A.T.; natural communities
Berry, Irene	3025	recreation – ski area
Berry, Mark	3096	legal
Berry, Mark	5015	other alternatives
Blau, Henry A. and Jane B.	5209	other issues
Borko, Susan	1466	socioeconomic
Brewer, Wendy M.	4957	recreation – ski area; other issues



<u>Individual (continued)</u>	<u>Cmt. #</u>	<u>Issue/Concern</u>
Cannizaro, John	3012	socioeconomic
Cederholm, John and Theresa	2904	socioeconomic
Chapman, Betsy P.	1498	planning; legal; recreation – A.T.
Christie, Douglas	2066	socioeconomic
Clarke, Jr., A. Gordon	0529	socioeconomic
Clarkson, Brenda	1950	other alternatives
Clay, David and Robyn	1924	negotiations
Collins, Ardine T.	5002	other alternatives
Condit, Roger E.	1815	socioeconomic; recreation – A.T.
Courtney, Michael L.	2970	negotiations; recreation – A.T.
Cowen, T.	1858	legal; planning
Crichton, Stephen	1862	socioeconomic
Daniels, Walter E.	1819	other alternatives
Darling, Brad	1376	visual
Davis, Matthew	2025	recreation – A.T.
Dowd, John J.	1160	socioeconomics; negotiations
Down, Jack	2340	negotiations
Dymsza, Henry	1482	negotiations
Eddy, Sam	3098	legal; recreation – ski area
Edwards, Dave	3054	recreation – A.T.
Field, John	4951	negotiations; recreation – other
Firman, Frederick E.	1481	socioeconomic
Foster, Clifton	3075	visual; negotiations
Goldrup, Frederick	1256	negotiations
Graceffa, Louis	1492	socioeconomic
Hague, Bart	2180	water; legal
Hall, David W.	1057	socioeconomic
Hardy, Dave	2193	other alternatives
Hazlett, Don P.	2145	socioeconomic
Heeschen, Conrad	1831	recreation – ski area; planning
Hoffman, Jon	4859	negotiations
Holman, Joseph	3057	recreation – ski area
Hopson, Jerome V.	1551	socioeconomic
Hyland, Mark	2212	soils; natural communities; socioeconomic
Innes, Edwin H.	5007	recreation – ski area
Jackson, Ann Jo	1253	recreation – A.T.
Johnson, Gordon	3009	water; negotiations
Jones, Griffith M.	1240	recreation – other; planning
Jones, Joanna	2128	recreation – ski area
Keech, Ronald	0031	other alternatives
Kettle, Burt	1997	water; recreation – ski area; visual
Kimball, Kenneth, Sarah, Eric	2208	natural communities
Landry, Wilbur	3062	socioeconomic
Lapin, Marc	1676	natural communities
Larsen, Johan Selmer-	1989	socioeconomic
Lawthers, Marty	1822	visual; socioeconomic
Liedl, Skender	5069	natural communities
Linell, Thomas A	1857	natural communities; recreation – ski area
Lord, M. David	2161	visual
Loudon, Meredith C.	4735	socioeconomic
Lout, Robert	2240	other alternatives
Madeira, Francis	1848	recreation – ski area

<u>Individual (continued)</u>	<u>Cmt. #</u>	<u>Issue/Concern</u>
Madore, Paul	3067	recreation – other
Markley, Kenneth D.	1145	wildlife
Martin, Brenda and Gary	1869	other alternatives
McCartan, Joanne	2125	recreation – ski area
McCowan, Les	2254	rare animals; wildlife; recreation – ski area
McDermott, Arthur	3070	negotiations
McNally, Dan P.	5236	recreation – other
Morazzini, Glenn	3066	recreation – other
Mortimer, Scott	0400	socioeconomic
Osgood, Charlie	2166	other issues
Ostermann, Ken	0598	socioeconomic; negotiations
Page, Roger O.	2189	recreation – ski area
Patterson, Tom	1281	recreation – A.T.
Payne, Troy	0536	negotiations; other alternatives
Perkins, Dexter	1880	other alternatives
Perry, Hiram	3046	recreation – A.T.
Perry, Donna	5073	recreation – other
Prentiss, Nancy K.	1957	recreation – ski area
Prodan, Pamela	1944	legal
Questionnaire (many)	2148	negotiations; recreation – ski area
Reynolds, Jo and Grant	2181	recreation – ski area; other alternatives; socio-economic; planning; negotiations
Reynolds, H. Paul	2956	planning; recreation – A.T.; legal
Richard, Jerome	0635	socioeconomic
Risbara III, Rocco C.	1446	negotiations
Ruppel, Thomas C.	2144	planning
Sandor, John A.	2356	negotiations
Sayre, Bill	3099	negotiations; legal
Schinas, David	3038	recreation – A.T.; legal
Shedd, Robert	0525	negotiations
Shroy, Jr., Robert E.	1371	other alternatives
Sohl, Edward	1488	socioeconomic
Spunt, Florence G.	5023	natural communities
Stancioff, Cynthia	1828	socioeconomic
Strehlau, Richard Don	0643	natural communities
Styer, Daniel	0601	socioeconomic; recreation – ski area
Styer, Daniel F.	1856	socioeconomic
Styer, Daniel F.	2160	legal; negotiations
Summers, Robert C.	5499	planning; negotiations
Swain, Robert	0347	socioeconomic
Sweetser, Greg	3085	legal; socioeconomic
Taroulis, Melindria	5492	natural communities
Thompson, William	0001	recreation – ski area; other alternatives
Thompson, Teresa	3036	recreation – ski area
Toubman, Allen and Kathleen	1988	socioeconomics
Walsh, J. Andrew and Rebecca V.	2050	rare plant and animal species
Weiss, Paul	3073	recreation – ski area
Wells, Owen	0010	rare plant species
Wurts, Dave	3011	recreation – A.T.

## Substantive Comments and Responses Concerning Geology, Landforms, and Soils

Comment #2212: “Many of the lift stations in the various Saddleback proposals would have to be installed in areas near the top of the ridge with thin or non-existent soils. Lift installation may require blasting or importation of soil to the top of the mountain to provide a base for the lift towers. Soil may also be needed to construct trail and service roads. Importation of soil from lower elevations could bring with it species foreign to the high mountain zones. Erosion of soils and endangerment of the existing plant and animal community would be the result of a ski area expansion.”

Response to Comment #2212: As noted in the Environmental Assessment on page 3-1, Ricker-Rock outcrop complex soils and Ricker-Saddleback soils on the upper elevations of the mountain have severe limitations for development. The impacts to these soils associated with potential ski area development are described in the Environmental Assessment on pages 4-3, 4-17, 4-33, and 4-51. While substantial earthwork may be necessary to construct ski trails, catwalks, and lift structures, it is highly unlikely that soils would be brought in from lower elevations for any purposes. However, blasting may be necessary if catwalks or lift facilities are constructed in areas of extremely shallow soil cover. Earthwork, imported materials, and use of non-native species in reseedling or reclamation efforts all have the potential to adversely affect the fragile soils and natural communities present at higher elevations on Saddleback Mountain.

Comment #3082: “A year ago last spring, I climbed Saddleback on an extremely windy day. And I was amazed to see a phenomenon I have never seen before. The trees near the timberline were swaying in the wind and their intertwined roots just under the topsoil caused the whole earth to move just like ocean waves. This is extremely unique and fragile environment between Eddy Pond and the summit of the south side of the mountain where Saddleback tells us they want to build new trails.”

Response to Comment #3082: The Ricker-Rock outcrop complex soils near the summit of the mountain are shallow to very shallow, consisting of a thin layer of organic peat, muck, and silt-loam on top of sheer bedrock. The krummholz community near the ridgeline is uniquely adapted to these soil conditions and the environmental stresses of high winds and severe climate. Because the root system of the trees in the krummholz community cannot extend vertically (due to the shallow depth to bedrock), the roots of the trees spread horizontally within the shallow soil layer above the bedrock. The described phenomenon is common in subalpine spruce-fir and krummholz communities subject to high winds.

## Substantive Comments and Responses Concerning Natural Communities, Rare Plant Species, and Rare Animal Species

Comment #0010: “The photos contained in the Assessment, particularly the one on page 3-31, are most telling. Hiking over the unprotected ridgeline of Saddleback Mountain during the non-winter months is despoiling the very environment which it is argued is endangered. Rare and endangered species are being trampled to death.”

Response to Comment #0010: The impacts to alpine and subalpine vegetation resulting from hikers on the Appalachian Trail are relatively insignificant when compared to the impacts associated with the construction and maintenance of ski trails. Impacts associated with hikers on the Trail are typically confined to an 18- to 24-inch treadway, which has been in place for more than 60 years. In some areas, the trail treadway has become as wide as four or five feet as a result of hikers avoiding a wet or muddy area. In these locations, measures can and should be taken to harden the treadway (by placement of rock or gravel) or restrict hikers to a single pathway (by construction of a low skree wall). Signage also may be appropriate. These measures are described in the Environmental Assessment on page 2-14.

Comment #0346: “I have become concerned with the increased rate of introduction of weed species into the alpine areas. These aggressive species increase the rate and extent of damage to alpine and subalpine natural communities. Because of this, I am concerned about the expansion of the Saddleback Ski Area. I spent the last two days botanizing in alpine and subalpine environments along the A.T. on Crocker, Bigelow, and on top of Sugarloaf Mountain (near the A.T.). There is an abundance of weed species (four clover species, dandelion, timothy, and several other grasses) which out-compete native heaths, forbs, sedges, and grasses. Invasive weed species is the second largest factor leading to the decline of natural areas and rare plants in the world, following habitat conversion. The summit and upper slopes of Sugarloaf Mountain show extensive signs of damage to the alpine and subalpine soils and natural communities; most of it is irreparable for the near future. Weeds are introduced with equipment, foot traffic, and by wind dispersal via updrafts along side slopes. With so few alpine areas left in the United States, I view any further intrusion of vehicles or foot traffic as unwarranted and shortsighted. While I am very concerned about the threats of fragmentation, viewshed damage, and disturbance to rare species habitats, as stated in the EA, the effect of development on weed introduction to these rare ecosystems is equally dire and should not be underestimated.” [This concern also was raised in Comment #2212.]

Response to Comment #0346: We concur with the respondent’s assessment of the potential impact of non-native species on native plants in the subalpine and alpine environments on Saddleback Mountain. Further studies are needed to determine the severity of this problem.

Comment #0643: “Disturbing the subalpine forest at all will have a ripple-effect on the krummholz directly above (although somewhat delayed).” [This concern also was raised in Comment #1857.]

Response to Comment #0643: It is possible that the removal and fragmenting of the subalpine spruce-fir forest under several of the alternatives could have an effect on the krummholz plant community immediately adjacent to the subalpine spruce-fir forest. This effect, referred to as dieback, is seen also in “fir waves” in other high elevation, wind-stressed communities. When overstory is removed in one area, adjacent vegetation is left unprotected and unable to withstand the environmental stress. This concern was raised during the Maine Land Use Regulation Commission (LURC) hearings on Saddleback Ski Area’s proposed planned development subdistrict application in testimony presented by Dr. Kenneth Kimball to the Commission in July 1988. In his testimony, Kimball stated that “(t)hese vegetation survive by forming a canopy that provides a smooth contour to the wind and in dense thickets which

allows the krummholz trees or alpine vegetation to shelter one another. Sudden openings in the krummholz canopy usually result in the dieback of the remaining trees exposed. This effect can currently be seen with the extensive tree dieback on the upslope side of the lift terminal immediately [north-northwest] and downslope of the proposed Sundance lift terminal.” Though expert testimony during the hearings disagreed on the severity of this effect, it is a factor that should be considered if ski lifts and trails are proposed in alpine and subalpine areas.

Comment #1676: “Wildlands and their connections to important trails and corridors such as the Appalachian Trail and the Long Trail are very important for the conservation of ecosystems in the Northeast.”

Response to Comment #1676: Extended corridors of land managed in their natural state do provide important habitat for migratory species, as well as some degree of protection for important natural communities. In fact, there is a close connection between protection of the Trail and conservation of important natural communities. More than 1,600 populations of rare plants, rare animals, or exemplary natural communities have been identified in studies conducted along the Appalachian Trail.

Comment #1807: “The comparison of impacts among the alternatives described in the environmental assessment also suggests that impacts to Bicknell’s thrush habitat resulting from Alternatives 3 and 4 would be dramatic: Under alternative 3, 152 of the 638 acres (or 24%) of subalpine spruce-fir forest would be removed or fragmented; under Alternative #4, 44 of the 638 acres (or 7%) of subalpine spruce-fir forest would be removed or fragmented. In contrast, no subalpine spruce-fir forest would be affected under alternatives 1 or 2. Clearly, alternatives 1 or 2 offer the best opportunity to protect the habitat necessary for this rare and important species.”

Response to Comment #1807: The respondent correctly notes the anticipated impact of Alternatives 3 and 4 on the primary habitat of Bicknell’s thrush. However, Alternative 2 also would clear or fragment 36 acres of the subalpine spruce-fir forest. Only Alternative 1 would have virtually no impact on the primary habitat of Bicknell’s thrush. A comparative analysis of the impacts of the various alternatives on Bicknell’s thrush habitat is provided on page 4-69 of the Environmental Assessment.

Comment #1809: “Because the ski area owners prohibited those who were doing the ecological inventory from conducting any field work on their property, the vegetation and natural community work should be considered preliminary and incomplete.” [This concern also was raised in Comment #1807.]

Response to Comment #1809: Further ecological fieldwork is needed in the high-altitude areas of Saddleback and The Horn. The six rare plant species noted in Table 3.12 on page 3-19 of the Environmental Assessment have been documented on Saddleback Mountain, though their full extent on Saddleback Ski Area land is unknown. These six plants are all state-ranked species, but only two of them, *Hierochloe alpina* and *Vaccinium boreale*, are presently listed by the state as threatened or endangered.

Comment #1857: “Page 4-58 of the EA states that Saddleback must submit an alternative location analysis for proposed ski trails and ski lifts. The EA then falsely concludes: ‘If constructed in conformance with this requirement...construction would have no impact on alpine and krummholz communities.’ This is absurd. Apparently the Park Service fails to understand the meaning of the word ‘mitigation.’ Mitigation by its definition does not eliminate impacts, it merely reduces them below some maximal impact.”

Response to Comment #1857: Page 4-58 of the Environmental Assessment contains the following statement: “If constructed in conformance with this requirement, construction of ski lifts and associated ski trails under Alternative #4 would have no impact *on alpine and krummholz communities* and limited impact on the subalpine spruce-fir forest community on Saddleback Mountain.” (Italics added.) The additional ski trails proposed in Alternative 4 do not extend into the alpine and krummholz plant communities; therefore, there should be no direct impact on these communities. (However, indirect effects to krummholz may occur if adjacent subalpine spruce-fir forest is removed immediately adjacent to the krummholz. See the response to comment #0643.) Proposed or conceptual ski trails under Alternative #4 would replace 26 acres of subalpine spruce-fir forest with ski trails and fragment 18 additional acres of this community.

Comment #1963: “The EA refers repeatedly (pages 3-22, 4-8, 4-23, *et passim*) to four other rare animal species (yellow-nosed vole, northern three-toed woodpecker, long-tailed shrew, and northern bog lemming) that occur in alpine habitats in western Maine but have not been documented on Saddleback because no field surveys have been conducted to determine their presence or absence. We find the lack of such surveys a major failing of this otherwise thorough and detailed Environmental Assessment. No effort was spared in trying to assess the impacts of the various alternatives on development possibilities and economic ramifications for Saddleback Ski Area. Why, then, was this basic and crucial element of natural-resource inventory omitted?” [This concern also was raised in comment #2050.]

Response to Comment #1963: The reason why an on-the-ground field survey for rare animals was not undertaken was that Saddleback Ski Area refused to allow any entry on their property for any purposes associated with the Environmental Assessment.

Comment #2208: “In the eastern United States there are only 13 square miles of alpine habitat. The region’s two largest alpine areas are the Presidential Range [in New Hampshire] and Mount Katahdin Range [in Maine]; they are supplemented by a handful of other alpine areas including Saddleback Mountain. Therefore Saddleback’s alpine zone is not only of statewide, but also regional and national ecological significance and should be protected with or without the Appalachian Trail. [This concern also was raised in Comment #0592.]

Ecologically the addition of snowmaking and snow compaction on eastern alpine areas is problematic. As has been shown in research on the Presidential Range, much of the eastern alpine flora is adapted to having the snow cover blown off during the winter. Saddleback’s alpine flora has evolved due to the ridge’s exposure to winds and scouring of the snow pack. Off the summit ridge the exposure is less and the alpine flora gives way to a stunted forest.

Developing ski trails with snowmaking and compaction due to trail grooming in the alpine zone would be to the detriment of Saddleback's alpine flora."

Response to Comment #2208: The importance of Saddleback Mountain on a statewide scale is noted in the Environmental Assessment. Its regional and national ecological significance also should have been recognized.

The alpine, krummholz, and subalpine natural communities on Saddleback Mountain have uniquely adapted to the extreme climatological and ecological stresses present at upper elevations on Saddleback Mountain. Snow depths and compaction associated with snowmaking and grooming, as well as the disturbances associated with clearing and earthwork necessary for constructing ski trails, may allow other species to survive and could result in substantial changes in species composition in these communities over time. While further studies are needed to ascertain whether or not alpine flora would be directly affected, the conceptual ski area expansion under all of the alternatives would occur in the subalpine spruce-fir forest community outside the perimeter of the alpine ridge, alpine bog-meadow, and krummholz communities (at least to the extent that these communities are currently mapped).

Comment #2254: "Page 4-41 and 42. Rare Animal Species. Assessment mentions only a recently discovered species of songbird – Bicknell's thrush. There is no evidence the species is threatened or endangered. 'Though any potential reduction in overall breeding habitat is likely to have a corresponding adverse impact on total population, the actual effect of this amount of habitat reduction on the total population on Saddleback Mountain is unknown.' unquote. Actually the above would only occur if the total subalpine spruce-fir habitat is at or near the saturation point – in which case the species would probably not be rare."

Response to Comment #2254: As noted in the Environmental Assessment, Bicknell's thrush is not currently listed as a threatened or endangered species by the U.S. Fish and Wildlife Service. It is listed as a species of special concern by the State of Maine, and identified in other states and Canadian provinces as a species at risk. Any impacts to its habitat have the potential to impact the species if it is present in that location, and Bicknell's thrush are clearly present on Saddleback Mountain. Due to the species' rarity and narrow habitat requirements (it is found almost exclusively in subalpine spruce-fir forests), the USDA Forest Service denied a portion of an application for ski-area expansion in Vermont that would have affected an area of subalpine spruce-fir forest approximately three acres in size. [See the Record of Decision and Final Environmental Impact Statement, Proposed Improvement and Development at Sugarbush Resort (p. F-43), USDA Forest Service Green Mountain National Forest, 1998.] Though additional studies would be needed to determine the full impact of clearing 66 acres and fragmenting an additional 86 acres of subalpine spruce-fir forest on Saddleback Mountain, the impacts would, in all probability, be adverse to Bicknell's thrush.

Comment #3084: "People have talked about the fragile alpine zone. None of our plans include doing any developments on the fragile alpine zone. And when the Maine Critical Area study came out many years ago, in fact, it said that the biggest problem for the fragile alpine zone in addition to the ski terminals which we will not put there are hikers."

Response to Comment #3084: As noted in the Environmental Assessment, none of the conceptual ski area development under any of the alternatives would take place in the alpine ridge or alpine bog-meadow natural communities. The impacts to the subalpine spruce-fir community, however, vary. No subalpine spruce-fir forest would be affected under Alternative #1; approximately 36 acres would be affected under Alternative #2; 44 acres would be affected under Alternative #4; and 152 acres would be affected under Alternative #3.

*A Critical Area Survey of the Appalachian Trail in Maine (Publication No. 8)*, published by the Maine State Planning Office in 1981, identifies all lands on Saddleback Mountain above 1,066 meters (3,500 feet) – including virtually all of the alpine and subalpine areas – as a part of the Maine Critical Area. The study goes on to state that “Saddleback Mountain has significant scenic and recreational values and is used moderately by hikers and skiers. The current increase in recreational activities on Maine mountains may threaten fragile arctic-alpine communities.”

Comment #5069: “3,000 hikers stomping on dozens of footpaths over pristine alpine environment do definitely more damage than 30,000 skiers on a layer of snow.” [This concern also was raised in Comments #1871, #2128, #5023, and #5492.]

Response to Comment #5069: There is only one primary footpath – the Appalachian Trail – across the alpine environment of Saddleback Mountain, and one unofficial side trail that extends from the upper terminal of the existing Wells Fargo T-bar to the Appalachian Trail. It is not the skiers that would affect alpine and subalpine communities. It is the construction and maintenance of ski trails ranging from 50 to 170 feet in width, including permanent clearing of overstory vegetation, revegetation with new species, mowing, and annual accumulations of artificially maintained, compacted snow depths, that could potentially affect the alpine and subalpine natural communities near the summit of Saddleback Mountain.

#### Substantive Comments and Responses Concerning Wildlife

Comment #1145: “I believe that allowing Saddleback Ski Area to expand, presently and in the future, does not adversely affect the long term wildlife habitats in the area but provides diversity in the form of grass areas mixed with forest. I have personally seen many deer in the area eating the grassy vegetation that the ski slopes provide.”

Response to Comment #1145: Some wildlife species, such as deer, do prefer locations with a mix of open areas and forest. Though ski trails would offer additional habitat for these species, they would do so at the expense of wildlife species that inhabit and require subalpine spruce-fir forests (*e.g.*, Bicknell’s thrush, spruce grouse, boreal chickadee). These species, which typically have a relatively narrow habitat range, prefer unfragmented boreal and subalpine forest areas, which are increasingly threatened by development in the eastern United States. Most plant species, including rare ones, are best adapted to live in either open areas or forests, not both. See also the Response to Comment #1829 below.

Comment #1829: “(N)o reference is made to the public of the environmental advantages ski trails provide to wildlife. It is well recognized by field environmentalists that dense forests do



not provide healthy breeding and living grounds for many species. Rather a combination of forests and open, grassy meadowlands (as ski trails provide) supply the appropriate balance necessary for species survival and reproduction. One only has to look at neighboring Mt. Greylock in Massachusetts to see the effects. According to John Scanlon, a Division of Fisheries and Wildlife biologist, 'There is a very emotional attachment to trees. But we are losing too much meadowland.' Because of this dilemma, Massachusetts has recently hired a tree cutting machine to create meadowland on Mt. Greylock in order to protect rare birds, butterflies, and other native species."

Response to Comment #1829: The highest elevations of Saddleback Mountain and The Horn provide significant natural open areas in which alpine species, including several rare ones, survive and reproduce. Creating ski trails in alpine open areas would not benefit alpine species, including rare ones; it would only disturb their habitat. The creation of ski trail grasslands through forested environments, such as the subalpine spruce-fir forest, might benefit some species, but at the same time would be detrimental to species that require large areas of unbroken forest or species that have adapted to the harsh environmental conditions of living near or above timberline. Creating ski-trail grasslands using ground-disturbing equipment also establishes an unnatural environment. In addition, the potential exists for introduction of invasive, non-native grasses and other species that could threaten the survival of the native species now present.

While it is true that some species, including rare ones, prefer grassy, open areas, many other species do best in forested environments. Most species do not require a balance of open areas and forests for species survival and reproduction. Some wildlife species, such as deer, do prefer locations with a mix of open areas and forest, but other wildlife species, such as the rare Bicknell's thrush, prefer shady spruce-fir forests. Most plant species, including rare ones, are best adapted to live in either open areas or forests, not both.

Comment #2254: "Eddy Pond is a nine-acre pond and therefore it does not come under Maine statutes pertaining to great ponds. To my knowledge, brook trout (*Salvelinus fontinalis*) is the only salmonid in the pond. These are not wild fish since Maine Inland Fish & Wildlife stocks the pond annually. In my non-expert opinion, if these fish can survive in a hatchery, they probably can survive the conditions that will exist if alternative #3 is adopted."

Response to Comment #2254: Eddy Pond has been designated as a Management Class 6 Lake or "remote pond" by the Maine Land Use Regulation Commission. It is stocked by the Maine Department of Game and Inland Fisheries. If Eddy Pond were to be dammed and used as a water storage reservoir for snowmaking, impacts to all aquatic lifeforms would potentially be severe, particularly if drawdowns during winter months allowed deeper areas in the pond to freeze. See page 4-42 of the Environmental Assessment.

#### Substantive Comments and Responses Concerning Water Resources

Comment #1997: "The utilization of Eddy Pond for water usage or snow making would be a disaster to the trail experience around the pond and in viewing the pond from the mountain. (Not mentioned in your study of the environmental impact is the fact that Eddy Pond is a trout

pond). (See Exploring the Appalachian Trail by Michael Kodas, Stackpole Books p. 233). The ecological damage to the pond and its environs would be profound and irreparable.” [These concerns also were raised in Comment #2180.]

Response to Comment #1997: A description of Eddy Pond is provided in Chapter 3 of the Environmental Assessment, beginning on page 3-23. This description indicates that salmonids (which include trout) are present in Eddy Pond. Impacts to the pond that would result from its use for snowmaking purposes are identified under the discussion of impacts to wildlife (on page 4-69) and water resources (on page 4-70) in Chapter 4 of the Environmental Assessment. These impacts include “severe impacts to salmonids and other life forms if water levels or water quality varied significantly” and “potentially significant changes in nutrient levels, chemical characteristics, and temperature.”

Comment #3009: “As to the alternatives recommended and the environmental impacts, No. 1 and No. 2 in my mind are confiscatory. They deny the Saddleback ownership access to any pond which is a natural source of water for their snowmaking, and they block off the southeast area for their use. This is deprivation of someone’s land without due recourse. The use of a pond is going to take place in the winter when we make snow.”

Response to Comment #3009: Eddy Pond would not be available for use for snowmaking under Alternatives 1 and 2. It is not currently available for such use, being classified as a Management Class 6 Lake or Remote Pond by the Maine Land Use Regulation Commission. To provide adequate snowmaking coverage under any of the alternatives, Saddleback Ski Area would need to draw water from a water body many times the size of nine-acre Eddy Pond. The 336-acre Saddleback Lake, which is owned by the ski area, is the most logical source of water for snowmaking. If Eddy Pond were used as a holding or storage pond for snowmaking, the primary impacts to water quality and fisheries would occur in winter months, but the effects would remain year-round. [See also the response to Comment #1446 under the subheading “negotiations.”]

#### Substantive Comments and Responses Concerning Recreational Opportunities on the Appalachian National Scenic Trail

Comment #1253: “In its desire for a pristine trail experience, [the NPS] ignores the fact that the A.T. crosses Route 4 and follows Route 17 in the same vicinity; the A.T. traverses cities and other ski resorts (which are classified as compatible trail activities); the A.T. corridor is in fact designed for multiple uses.”

Response to Comment #1253: The existing environment that the Appalachian Trail passes through on Saddleback Mountain can be described as a remote subalpine and alpine environment that provides expansive views of the surrounding countryside, offers visitors outstanding opportunities for solitude, and supports numerous natural communities and rare plant species of state, regional, and national significance. The *Land Protection Plan for the Appalachian National Scenic Trail* (updated 1993) identifies planning objectives and protection goals for resources of variable importance along the Appalachian Trail, with “remote resources, such as ridgelines or other isolated areas with difficult access” and “significant natural area

resources, such as highlands, lakes, and roadless areas with unusual natural or scenic values” being the two most important categories. (See page 3-48 of the Environmental Assessment.) Saddleback Mountain clearly meets the criteria for both categories, placing it among the top tier of recreational and natural environments along the entire length of the Appalachian National Scenic Trail.

Comment #1281: “I can tell you that downhill ski trails are a minor disturbance to the pristine nature of the trail when compared to:

- concrete and steel Interstate crossings
- heavily traveled paved roads to the summits of several A.T. mountain peaks, including the highest peaks in New Hampshire, Massachusetts and North Carolina that I know of, and possible more
- similarly, snack bars cafeterias and gift shops on some of these peaks, including Mt. Washington, Mt. Greylock and Mt. Mitchell
- extensive clear cuts and deteriorated logging roads crossing, or serving as the trail in sections of Georgia, West Virginia, Pennsylvania, New York and Maine
- man-made structures such as ATC or [National Forest] lean-tos and buildings at other ski area trail sections, which serve as popular overnight accommodations for through and day-hikers (witness the summit gondola terminal at Sugarloaf Mtn - up to 15 or 20 hikers using that building overnight, especially during inclement weather).”

[This concern also was raised in Comments #1439, #1871, #2025, #2970, #3011, #3038, and #5069.]

Response to Comment #1281: The Appalachian National Scenic Trail passes across highways and through a number of developed areas in its traverse of the Appalachian Mountains. In remote areas, however, the objective always has been to protect the features and character of the landscape that make the Appalachian Trail a resource of national importance. Minimal structures, bridges, and trail improvements have been constructed and are maintained by volunteer Appalachian Trail clubs to provide for the shelter and safety of hikers using the Appalachian Trail. These improvements are designed to have a minimum effect on the environment and reduce the impact of users on the surrounding environment. In contrast, the expansion of Saddleback Ski Area would cause new, permanent alterations and disturbances to the Trail experience and environment in one of its most remote and pristine locations. Ski lift structures, snowmaking equipment, utilities, and cleared ski trails are by nature intensive recreational development, not a primitive recreational environment. The ski area expansion that could occur at Saddleback Mountain under all of the alternatives except Alternative #1 would be one of the most substantial new developments along the entire Appalachian Trail, and it would occur in one of its most remote and biologically significant environments.

Comment #1440: “I have a friend that has maintained a section of the trail off of Route 4, for over ten years. People have been upset with him at times because he has built steps in areas that were eroding and has built bridges over creeks that were being walked through and were eroding. I think that Benton [MacKaye, the founder of the Appalachian Trail] would have condoned and encouraged these actions because he realized from the very earliest beginnings of the Trail, that as time progressed the Trail would be used by more and more people (his hope) and that the nature of the Trail would be changed and changed forever (population

growth). What was important for Benton was that both the Trail existed and as many people as possible could hike the Trail, be it from one spot to another or from one end to the other end.”

Response to Comment #1440: It is clear from Benton MacKaye’s writing that he pictured the Appalachian Trail as a retreat from civilization, a place for people to recreate and recuperate in the outdoors. MacKaye also wanted the Appalachian Trail, to the extent possible, to preserve the natural landscape of the Appalachian Mountains. According to MacKaye, “the Appalachian Trail should be as ‘pathless’ as possible: it should be the minimum necessary consistent with practical accessibility.” The National Park Service, the Appalachian Trail Conference, and the 31 volunteer organizations that manage the Appalachian Trail make improvements such as steps, waterbars, bridges, and shelters that are designed to have a minimum effect on the environment and reduce the impact of users on the Appalachian Trail and the surrounding environment. The ski-area facilities addressed in the Environmental Assessment are developed recreation facilities, and are in no way similar to the trail improvements that provide minimal accommodations for hikers.

Comment #1495: “Although it is out in the open in this area, this is a solitary place along the A.T. because of its remoteness and inaccessibility. The more the ski area is expanded, the more money is invested, and the closer the lifts come to the top of the mountain, the greater the temptation will be to provide year-round lift rides to the top. Litter, noise and destruction of natural resources – the things we escape on the Appalachian Trail – would quickly follow greater accessibility, just as they have at every highway crossing.”

Response to Comment #1495: Presently there is no indication that the owners of Saddleback Ski Area plan to provide year-round ski lift access to the top of the mountain. Non-winter recreational use of the lifts could potentially affect the remote Appalachian Trail experience on and around Saddleback Mountain. This issue has been part of negotiations with the owners of Saddleback Ski Area and will continue to be.

Comment #1498: “From our camp at Sugarloaf, we are 1 and 1/2 miles from the AT. From the top of Sugarloaf, we look down on the trail below. Thousands of people live and play in this area and are never more that a few miles from the trail. This 3.5-mile section near Saddleback is just four miles from where the trail crosses Maine Rt. 4. The trail goes past the Saddleback ski area, around the back of Sugarloaf ski area before crossing Maine Rt. 27. This 30-mile stretch of the AT is located within a circle of state highways. On the perimeter of the circle are the towns of Philips, Madrid, Rangeley, Stratton, Carrabassett Valley, and Kingfield. This is marvelous recreation area, not a vast wilderness.” [This concern also was raised in Comment #3046.]

Response to Comment #1498: The Appalachian Trail passes through towns, small communities, rural areas, agricultural areas, historic areas, woodlands, forests, scenic areas, natural areas, primitive areas, remote areas, areas that are managed as wilderness, and federally designated wilderness areas. The 30-mile section of the Appalachian Trail between Route 4 and Route 27 is not managed as wilderness; however, it is one of the most remote and spectacular natural areas on the entire Appalachian Trail. Towns, roads, and other improvements are visible from the Appalachian Trail across Saddleback Mountain. However,

virtually all of this development is located at some distance from the Trail (Rangeley and the other towns in the area are located between five and ten miles from the Trail), and the recreational character of this section of the Trail is a classic example of a remote backcountry recreational environment. As noted on page 3-48 in the Environmental Assessment, the National Park Service's planning objectives for remote areas are "to preserve the remote character" and "protect native vegetation, wildlife, and water sources" of these areas. This is usually done by acquiring "a variable corridor designed to reflect the topography and vegetation characteristics seeking enough protection for the footpath to avoid intrusions on the Trail experience from incompatible development."

Comment #1548: "To protect our natural and cultural heritage, the Appalachian Trail must be managed as more than just a path, more than just a long, linear set-aside of land. The Appalachian Trail, as MacKaye envisioned it, is to be managed as a system of wild and rural lands in proper relationship to urbanized areas. To do so requires two things: (1) protection of wild places like the summit of Saddleback, places that MacKaye called the 'primeval' lands – 'the environment of life's sources, of the common living-ground of all mankind' (*The New Exploration*, p. 56); and (2) containment of sprawl and development such as what is proposed by the Saddleback Mountain ski area."

Response to Comment #1548: The mission of the National Park Service is to protect and manage the Appalachian Trail as described in the National Trail System Act, "...to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the area through which such trails may pass." To carry out this mission, the National Park Service issued the *Land Protection Plan for the Appalachian Trail* (updated 1993), which identifies planning objectives and protection goals for resources along the Appalachian Trail. For remote resources and particularly those areas with significant natural or scenic values, such as Saddleback Mountain, the protection goal is "(t)o acquire permanent interests in enough land to preserve the character of the area, using natural boundaries to the extent possible." These resource values are discussed in detail on pages 3-2 to 3-12, 3-12 to 3-23, 3-27 to 3-31, and 3-47 to 3-48 of the Environmental Assessment. It is not the mission or purpose of the National Park Service to contain urban sprawl and development beyond the Appalachian Trail corridor.

Comment #1969: "We think that the Assessment inappropriately rewrites existing law to further a specific agenda. The National Trails Act states, 'National scenic trails, established as provided in section 1244 of this title, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.' The Assessment takes it a step further, however, by commingling excerpts from the National Trails System Act with language that was actually developed by the Appalachian Trail Conference. The Assessment states that the ATC (not the law) has '...defined the recreational environment, or the Trail experience, as the sum of opportunities that are available for those walking on the Trail to interact with the wild, scenic, pastoral, cultural, and natural elements of the environment of the Appalachian Trail, unfettered and unimpeded by competing sights and sounds...' The Assessment elaborates on the 'trail experience,' using such descriptions as 'a sense of remoteness and detachment from civilization,' and 'opportunities to experience

solitude...’ There is no language in the law that requires a standard achieving solitude, unfettered or unimpeded abandonment with nature, or even a sense of remoteness – if there were, certainly a significant portion of the existing trail would fail to comply with the law.”

Response to Comment #1969: The description of the “affected environment” in Chapter 3 of the Environmental Assessment includes a description of recreational opportunities in the area, with a primary focus on two important recreational uses of Saddleback Mountain: the Appalachian National Scenic Trail and Saddleback Ski Area. The section that addresses Appalachian Trail-related recreational activities begins with a quote from the National Trails System Act on page 3-27. On page 3-29, under a separate subheading, the Appalachian Trail Conference’s definition of the “Trail experience” is quoted. In 1984, the National Park Service delegated the responsibility for day-to-day management of the Appalachian Trail to the Conference. This quote expresses the Appalachian Trail Conference’s policy and vision for managing the Appalachian Trail and is consistent with the planning objectives and protection goals of the National Park Service’s *Land Protection Plan for the Appalachian Trail* (which is discussed on page 3-48 of the EA). The Environmental Assessment does not present the Appalachian Trail Conference’s policy as Federal law.

Comment #2956: “I can’t think of two more complementary activities as hiking and skiing. They are enjoyed by many people and during completely different seasons. There seems little if any chance of intrusion on hikers during the summer by a ski area.”

Response to Comment #2956: The Appalachian Trail is enjoyed by hikers year round. Backcountry snowshoeing, cross-country skiing and winter mountaineering are compatible uses on the Appalachian Trail. However, commercial ski area development has the potential to substantially alter the scenery and remote, backcountry experience of hiking this exceptional section of the Appalachian National Scenic Trail. These impacts are described in Chapter 4 of the Environmental Assessment, under the subheadings of “visual resources” and “recreation” for each alternative.

Comment #3054: “Here in this state alone, it costs \$750,000 to maintain a quarter of a million acres by using the right to private property. Baxter State Park, forever wild, known throughout the land. How much does it cost to run Acadia National Park, the second most visited park in the park system? It must be a whole lot. It must be a whole lot, because they can’t afford to maintain the trails. Half the trails were shut down because of lack of maintenance, and that’s in the second most visited park, and they take hundreds of millions of dollars in there, for crying out loud.”

Response to Comment #3054: For more than 60 years, the day-to-day maintenance and management of the Appalachian Trail has been carried out by the Appalachian Trail Conference and its 31 affiliated Trail-maintaining clubs. In 1998, more than 4,400 volunteers affiliated with the Conference or Trail-maintaining clubs contributed more than 174,000 hours to maintaining and managing the Trail. No entry fees (other than fees associated with individual park units) are collected on the Appalachian Trail, nor is there any intention of doing so.

## Substantive Comments and Responses Concerning Recreational Opportunities at Saddleback Ski Area

Comment #0001: “Note that the only apparent differences in Alternates 2 and 4 are ski runs 74, 75, and 76 as well as the lift associated with run 75. Another option would be to keep the tops of the runs 74, 75, and 76 farther down the ridgeline, at the expense of limiting those runs to drops of 900 to 1,000 feet instead of 1,500 feet. As you note on page 1-8 [of the EA], there is some question of terrain suitability and snow cover up near the ridgeline.

A summary of the various data comparisons between the current situation and Alternates 2, 3, and 4 is enlightening. I chose: 1. Winter Ski Area Employment, 2. Comfortable Carrying Capacity, and 3. Annual Ski Visits as being representative of the alternatives presented in the Assessment. From these characteristics I prepared the following Table:

<u>Characteristic:</u>	<u>Current</u>	<u>Alternate Number</u>		
		<u>2</u>	<u>4</u>	<u>3</u>
1. Winter employment	78*	547	604	683
Factor	1.00	7.01	7.74	8.76
2. Comfortable Carrying	1,300	11,400	12,500	14,500
Capacity				
Factor	1.00	8.77	9.62	11.15
3. Annual Ski Visits	33,200	146,000	208,000	230,000
Factor	1.00	4.40	6.26	6.93
4. Average factor	1.00	6.73	7.87	8.95

\*average of 65 and 91: see page 3-45 (of the EA)

The table demonstrates that allowing the expansion of the Ski Area to Alternate 2 and perhaps to Alternate 4 (if future growth warrants it) would achieve an average of nearly 7 to 8 times the current ‘size’ of the Area, while alternate 3 would provide only a modest further increase to 9 times the current ‘size.’ And this final modest increase would be at the expense of the natural environment in general and the AT ‘experience’ in particular.”

Response to Comment #0001: Although Alternatives #2 and #4 are similar in design, Sno.engineering feels that the ability to install Lift O in Alternative #4 provides additional length and vertical rise for the lift and ski trails in the middle of the “saddle bowl,” which Sno.engineering feels would be an important consideration if Saddleback Ski Area is to attain a destination image that will attract that portion of the skier market. However, both alternatives #2 and #4 provide for significant expansion of the ski area.

It is important to note that while Alternatives #2, #3, and #4 would provide the ski area with the physical space to expand its capacity between 877% and 1,115%, this would not necessarily result in a direct one-to-one increase in visitation. Sno.engineering estimated that visitation at the ski area under Alternatives #2, #3, and #4 would increase between 440% and 693%. Table 4.5.3 on page 4-71 of the Environmental Assessment provides a comparison of the potential capacity of the ski area for each alternative, and Table 4.5.5 on page 4-73 of the Environmental Assessment provides a comparison of the estimated annual skier visits under each alternative. Appendix D of the Environmental Assessment provides a detailed description of the methodology that was used to derive the market-based projections for each alternative.

Comment #0601: “Massive expansion of the Saddleback Ski Area will be detrimental to many skiers as well as hikers. The December 1987 NPS ‘Status Report’ noted that ‘Many responses from skiers urged protection of the Appalachian Trail by endorsing (the 1987) Alternative IV (which is the current Alternative 1) and remarking that the beautiful undeveloped mountain is attractive to skiers, as well. They expressed concern that if extensive expansion were carried out, the attraction of Saddleback would be destroyed.’ Conclusion. Saddleback is currently a unique national treasure, beloved by both hikers and skiers. It is too big, too magnificent, too magical to fit into the tiny pigeonholes of ‘a ski mountain’ or a ‘hiking mountain’: remote and spectacular, it is both. It could stay that way. Under Alternative 1 of the ‘Environmental Assessment,’ Saddleback Ski Area could expand to four times its current capacity while retaining the remote and scenic experience for both hikers and skiers.”

Response to Comment #0601: Although the ski area could expand to four times its current capacity under Alternative #1, Sno.engineering feels that this still would not provide a sufficient variety of ski terrain to attract destination skiers and snowboarders on a consistent basis to the extent that the area could be an economically feasible entity. According to Sno.engineering, the ski-area designs provided for Alternatives #2 and #4 should be considered as providing a high quality family skiing environment capable of attracting destination skiers. Sno.engineering believes that Alternative #4 is the most desirable of the two, because Lift O (as shown on page 4-57 of the Environmental Assessment) takes maximum advantage of the length and vertical rise of the “saddle bowl.”

Comment #1829 (1): “While Saddleback has reserved the right to build ski trails up to 150 to 200 feet wide, these highly disturbing photographs showed trails which were wider and more intrusive (to someone who finds them intrusive) than would reasonably be expected to be built. For example, of the 41 trails currently on the mountain, only three trails exceed an average width of 100 feet, and only one of these (originally built as a lift-line) is located at the top of the mountain. This alpine trail, known as ‘Bronco Buster,’ is the only intermediate or advanced alpine trail which exceeds 100 feet in width.

The majority of trails at Saddleback currently average 60 feet or less in width. In contrast, of the 38 new trails designed by Sno.engineering, 19 (half) of them equal or exceed an average width of 120 feet (double the current trail size). The fourteen *widest* trails are, inexplicably, upper intermediate, advanced and expert trails, and start at the top of the mountain. As these trails exceed the size of even the Bronco Buster – which is already too wide a trail for the taste of some expert and advanced skiers – we would like to point out that these photo simulations



misrepresent a visual representation of ski area development to the public. It defies imagination that Saddleback management would ever deem it wise or desirable to create such a plethora of extremely wide ski trails for the advanced skier. A few, maybe, fourteen, no.

In sum, Sno.engineering's depiction of the size and quantity of ski trails do not present an accurate picture of potential ski growth as it relates to visual impact."

Response to Comment #1829 (1): Final decisions regarding trail widths would be made by the on-site designer and ski area management at the time of final design and construction. However, the widths of the ski trails shown in Sno.engineering's development scenarios for each alternative reflect modern ski-area design criteria. These criteria are based on average trail widths of between 100 and 120 feet, with a minimum width of 20 to 30 feet and a maximum width of 200 feet. The wider dimensions normally appear on steeper grades to prevent excessive snow wear and skier and rider traffic problems, and the narrower dimensions typically appear on shallower grades, along with tree islands, direction changes, terrain undulations, *etc.*, to provide more interest. Maximum widths are also used on beginner and some novice trails to allow greater maneuverability and on lift routes to allow for the placement of lift towers. Narrower widths are also used on some of the steeper terrain to provide more challenges for the expert skiers and riders.

In Sno.engineering's list of trails for each alternative, none of the ski trails are wider than 200 feet. And, although 19 trails have widths of 120 feet or more on a portion of their total lengths, only 11 maintain that average width from top to bottom. Of those 11, six are lift line routes (#45, 57, 61, 65, 71, and 75), one is the only main route served by Lift H (#48), and one is a major beginner slope (#53). Further, these widths were depicted accurately on the maps provided to the landscape architectural firm that prepared the visual simulations, and are accurately represented in the maps and visual simulations provided in the Environmental Assessment.

Comment #1829 (2): "(T)he public is routinely informed by the NPS as well as ATC groups that Saddleback's potential as a major destination resort is questionable at best. Yet the following information, determined by the NPS commissioned independent study by Sno.engineering, was not included for public review when discussing Saddleback's Alternative #3:

1. 'As set forth on the following pages, the Saddleback Ski Area has the physical potential to grow from a small facility catering mainly to a local market into a major resort capable of attracting destination skiers from markets throughout the east.' (Deep in the discussion of the impacts of Alternative #3, the Environmental Assessment does, in fact, mention that Saddleback has the potential to be a major destination resort. However, this information is only mentioned once and is buried 134 pages into the assessment. Saddleback contends that a fair process would have shared this information up front with the public, in the introduction and throughout the text as a point of consideration.)
2. 'There is no question that additional expert terrain and more consistent advanced terrain would improve the overall skiing experience at Saddleback.'

3. ‘...the north and west facing bowl of Saddleback Mountain contains excellent potential for ski area expansion which can be directly interconnected to the existing facilities.’”

Response to Comment #1829 (2): The three quotes attributed to Sno.engineering, Inc., concerning the physical potential of the site are accurate and Sno.engineering stands by them. A detailed description of the existing Saddleback Ski Area is provided in Chapter 3, beginning on page 3-32 of the EA. A detailed description of the ski area’s potential future expansion is provided under the analysis of the effects for each of the alternatives. The descriptions of each alternative reflect Sno.engineering’s input for each alternative, as set forth on pages 4-25 to 4-27, 4-43 to 4-46, 4-60 to 4-62, and in the comparative analysis on page 4-72 of the EA. The above concepts are accurately reflected in those analyses.

Comment #1830: “All of the Park Service designed Alternatives (Nos. 1, 2, & 4) do not allow skiers to cross the Appalachian Trail and ski the South bowls. Without this expert terrain, the ski area cannot compete and will die. Skiers will not drive five hours to a ski area that only offers a level of skiing that is abundantly available much closer to home.” [This concern also was raised in comments #1192, #1829, #1871, #2148, #3025, #3031, #3036, and #4960.]

Response to Comment #1830: Sno.engineering, Inc., believes that the southeast exposure should not be developed across the upper ridge of Saddleback Mountain, due in large part to the wind factor and the fact that extensive catwalk trails would have to be designed to transport skiers and riders into and away from that side of the mountain. As stated in the Environmental Assessment, expert terrain is available on the front side of the mountain that can be used without crossing the Appalachian Trail.

Saddleback Ski Area denied access to the property during the study period. As a result, Sno.engineering was not permitted to inspect the southeast exposure on the ground. Sno.engineering does not argue that expert terrain exists on the southeastern exposure of the mountain. However, based on aerial inspection and map work, they raised the following concerns, which are the basis for their recommendation:

- the cost of developing the terrain and the small percentage of skiers who would use it;
- the significant cost of constructing and maintaining the extended catwalk trails (or skier roads) that would be required to provide access to and from this terrain and the negative environmental and visual impacts that they would have;
- the effect that wind would have on both the snow surface of the catwalk trails and the skiers and riders themselves, and the negative impacts that wind and the moderate grades of the catwalk trails would have on snowboarders; and
- the ability to provide timely and efficient emergency services to injured skiers.

In addition, development of the southeastern side of the mountain would have substantial effects on the subalpine spruce-fir forest community on Saddleback Mountain and the Appalachian National Scenic Trail.

Sno.engineering also noted in their analysis that:

- Saddleback has expert ski terrain on the front side of the mountain served by the Wells Fargo and Upper Advanced lifts. If deemed important, this acreage could be increased through the addition of gladed terrain in strategic locations. (Glading is the process of thinning the tree cover to the extent that it becomes skiable for the more proficient skiers and riders.)
- A shortage of expert terrain at a destination resort creates a more desirable situation than a shortage in the intermediate category. There are ski areas that experience a similar profile to Alternative #4 at Saddleback (Bretton Woods in New Hampshire and Okemo and Mount Snow in Vermont, for example) that have operated successfully for years.
- The design of the ski area could exclude some of the novice trails of the expansion terrain if this seemed to be a desirable choice at the time of actual development. This would not only decrease the novice percentage, but also would have the effect of increasing the expert percentage by a small amount. In this respect, the conceptual design shown for Alternatives #2 and #4 represents the maximum extent to which the mountain can be developed under these alternatives. However, this does not mean that the plans cannot be scaled back to reflect the actual demands of the skier market.

Comment #1831: “The claim that the South Bowl is essential for further development is ludicrous on the face of it. First, it is unlikely that LURC would permit the crossing of the alpine region to access the South Bowl. Secondly, because of the southerly exposure, it would only be possible with massive and continuous snowmaking.” [This concern also was raised in Comment #1815, #2181, and #3082.]

Response to Comment #1831: The catwalks described in Alternative #3 would traverse the shoulder of Saddleback Mountain through the subalpine spruce-fir forest community, at an elevation of 3,700 feet just below the alpine zone. It is not known at this time whether LURC would permit or deny access to cross the subalpine zone or the Appalachian Trail. As stated in the response to comment #1830 above, Sno.engineering, Inc., believes that the southeast exposure should not be developed, due to a number of factors. However, as noted in the Environmental Assessment, the southeast exposure is not in itself the reason that Sno.engineering does not support ski area development on the southeastern side of the mountain, since other ski areas in the east exist that have developed ski terrain on this exposure (e.g., Bromley, the Stowe Gondola, and Spruce Peak at Stowe). Snowmaking and grooming have made a significant difference in the ability of ski areas to develop on southeastern exposures. Sno.engineering, Inc. questions the viability of developing this exposure because of a number of other factors, including the high costs of constructing and maintaining the catwalk trails that would be required to access the southeastern side of the mountain, wind exposure, adverse environmental and visual impacts, and the low percentage of skiers that would use this terrain. The amount of snowmaking needed to construct the catwalks out of snow (instead of constructing them out of cut and fill) would be substantial, as would the amount of snowmaking required to provide an adequate snow surface on the southeastern slopes.

Comment #1848: “(T)he ridge of Saddleback is indeed swept by high winds (at other times, too, to be sure), strong enough to remove the snow cover, as is pointed out on page 3-2 of the Assessment. This raises a serious question as to how any ski trails could be properly maintained across the ridge.” [This concern also was raised in Comments #1957, #1997, and #2181.]

Response to Comment #1848: As stated in the response to comment #1831 above, Sno.engineering, Inc., believes that the southeast exposure should not be developed, with the ridgeline’s exposure to high winds being one of the primary considerations.

Comment #1857: “The NPS analysis is biased against alternative 1. The EA assigns only an 81% snowmaking coverage to alternative 1. Yet alternative 1 because it has the least acres of snowmaking coverage is best suited to 100% snowmaking coverage. In fact, if the acre feet of water assumed for [alternative] 4 is instead allocated to alternative 1, each acre of trail could receive over eight feet of snowmaking coverage, allowing a ski season extending to mid-May or into June each ski season. The analysis is also biased in that it fails to recognize that trails 41, 42, 44, 49, 50 and other terrain including glades could be accessed by the lift system suggested above as a minimal alternative 1.”

Response to Comment #1857: The variations in snowmaking coverage were based upon an assumption that snowmaking coverage would be included only as part of any upgrading or new construction of ski area facilities. The variations in coverage would not significantly affect the projections for water consumption, costs, or utilization of the ski area. Generally, a ski area operator would seek to maximize snowmaking coverage. The locations of the Sundance and Upper Advanced lifts have been conditionally approved by the Maine Land Use Regulation Commission and represent the most efficient way of serving this upper mountain terrain. Sno.engineering, Inc., has not recommended any changes in the configuration of these lifts.

Comment #1871: “I believe that it is essential that Saddleback retain the right to cross the Appalachian Trail to use is property on the other side. Please note that the bowl area between Saddleback and the Horn has already received Land Use Regulation Commission approval.”

Response to Comment #1871: See the response to comment #1830 for a list of reasons cited by Sno.engineering, Inc., as their basis for opposing the development of the southeast exposure for skiing. The Maine Land Use Regulation Commission (LURC) has not approved any ski area development in the bowl between Saddleback Mountain and The Horn. In 1989 and 1994, LURC conditionally approved four lifts, including the Sundance and Upper Advanced lifts, and six trails proposed by Saddleback Ski Area. These lifts and trails (which have not yet been constructed) would be constructed adjacent to Saddleback Ski Area’s existing development, not in the “saddle bowl.”

Comment #2125: “I must also say that, under mitigating measures (page 2-13), a request to remove lifts, signs, markers, and snow fences seems totally unreasonable.”

Response to Comment #2125: The lifts themselves would not be removed during the off-season if this mitigating measure were to be adopted. Only the chairs would be removed, which is a generally accepted procedure. Also, as noted on page 2-13 of the Environmental Assessment, only those signs, markers, and snow fences visible from the Appalachian Trail would to be removed during the off-season.

Comment #2128: “Why was no mention made of the fact that the development allowed in all your proposals allow only beginner and intermediate trails? Skiers will not travel that distance for beginner trails. In order to attract skiers, an area has to offer expert trails.” [This concern also was raised in Comment #2148.]

Response to Comment #2128: As shown in the breakdown of skier ability levels for Alternatives #2, #3, and #4 (on pages 4-26, 4-45, and 4-62 of the Environmental Assessment, respectively), terrain suitable for all of the six ability levels would be available: beginner, novice, low intermediate, intermediate, advanced, and expert. Alternative #1 has no beginner acreage, but can satisfy the other five ability levels.

Comment #2189: “The southeast bowl would provide skiers and snowboarders with more sunshine, less wind, warmer temperatures, and a new variety of terrain.” [This concern also was raised in Comments #3025 and #3057.]

Response to Comment #2189: Sno.engineering agrees with this comment. However, as noted in the responses to comments #1830 and #1831, Sno.engineering has serious concerns regarding access to and from this terrain in terms of expense, environmental impact, and wind problems.

Comment #2254: “In the portion of the paper devoted to Alternative #3, on page 4-37 and 4-38. ‘Sno.engineering’s analysis indicated that substantial cut and fill would be necessary to construct the catwalks...Further, Sno.engineering concluded that constructing the running surface and cross-grade of the catwalks would be difficult, if not impossible, to justify economically.’ Sno.engineering is a recognized expert in its field; but experts are not always correct. Experts declared the Titanic unsinkable, and experts said the Wright Brothers would never fly. More importantly, it’s not Sno.engineering’s nor the National Park Service’s call nor does it belong in an environmental assessment. The call belongs to the person or persons who will finance the project.”

Response to Comment #2254: Sno.engineering was contracted to evaluate the opportunities and constraints to development of Saddleback Mountain under the various alternatives, so that the National Park Service and the public would have an understanding of what the potential impacts of each alternative would be on the surrounding environment of the Appalachian Trail and Saddleback Mountain. Saddleback Ski Area would not allow Sno.engineering on-site, so the analysis represents Sno.engineering’s input based on more than 40 years of experience in ski area design, map-based analysis, and prior aerial reconnaissance. A more detailed analysis of the anticipated impacts is provided on page 4-46 of the Environmental Assessment.

Comment #3058: “From our perspective, Alternative 1 and Alternative 2 are basically the same alternatives, primarily because Alternative 2 would deny us the access to cross the trail. So even though Alternative 1 takes 3,000 acres, Alternative 2 takes 900 acres, basically. If we’re not allowed to cross the trail to get to the rest of our land, it’s almost the same as taking that huge amount of land. It’s not exactly true, I should say, because there’s more land in the front that they would give us, but from our perspective the reason why people would come to Saddleback, which is a long drive, is to be able to ski the back bowls, which are the steepest and the best expert terrain east of the Mississippi. When they say that we can expand to however many times the current size, that’s a true statement, but it would be mostly beginner trails or lower intermediate trails. The best skiing is at the top of the mountain, and anyone who’s a skier knows that even if you’re not skiing the top of the mountain, you like to think that someday you will or that a young child in your family will.”

Response to Comment #3058: As noted in these responses and in the analysis on pages 4-24 through 4-27 and 4-59 through 4-62 of the Environmental Assessment, Alternatives #2 and #4 (with emphasis on Alternative #4) provide terrain suitable for all six ability levels, from beginner to expert, without development of the southeast exposure. According to Sno.engineering, Inc., it is also important to note that fully 90% of the skier and rider market falls in the five categories below the expert level and that it is this portion of the market that is the most reliable source of financial stability to any destination ski area. Sno.engineering disagrees with the statement that the so-called “back bowls” of Saddleback comprise “the steepest and the best expert terrain east of the Mississippi” and considers the statement to be quite misleading in its implication.

Finally, in reference to the statement that “the best ski terrain is at the top of the mountain,” Sno.engineering noted that Alternative #2 has four lifts that come as close to the top of the mountain as the two on the southeast exposure, and Alternative #4 has five lifts that come as close to the top of the mountain as the two on the southeast exposure, including Lift O, which provides skier and rider access to the major length and vertical of the main bowl itself.

Comment #3073: “Saddleback is one of my favorite places as is Mad River Glen, Vermont. Talk to any die-hard skier, those are probably the two areas of New England that they will love. I like it as it is, tiny base lodge, homey feeling, go there every year, spend money there, bring my clients there to learn. I bring money into the Saddleback economy. I do not want to see an expansion of this ski area.

Gladed skiing is becoming one of the most important and interesting parts of skiing in New England and more and more skiers want this type of opportunity including snow boarders. There’s ways to make gladed, below-treeline trails that are not intrusive.”

Response to Comment #3073: Sno.engineering believes that Saddleback Ski Area cannot expect to attract a sufficient number of skiers and riders to be economically viable in the future unless it expands.

As set forth in the response to Comment #1831, Sno.engineering agrees that gladed skiing should be considered as a final design feature.

Comment #3084: “Just because you have 95 beginner lifts doesn’t mean somebody is going to drive the distance it takes to get to Saddleback in order to ski something that’s maybe not interesting to ski. Most families don’t want to go to a mountain that’s all beginner trails. Saddleback is a cold mountain, as you must know, you have seen people there. And you are an expert skier. It attracts expert skiers and we need to provide the expert terrain. It’s imperative for the people of Rangeley and it’s imperative for the survival of the mountain.”

Response to Comment #3084: The implication that Saddleback Ski Area would consist of all beginner terrain without development of the southeast side of the mountain is not accurate. A variety of terrain for all ability levels, from beginner to expert, is provided under Alternatives #2, #3, and #4. Alternative #1 also provides a variety of terrain, from novice to expert. In addition, special design features can be emphasized to produce interesting trails for all of the six ability levels, including expert. According to Sno.engineering, the important thing is that 63% and 65% of the terrain under Alternatives #2 and #4 (respectively) is suitable for the low intermediate, intermediate, and advanced skiers and riders who make up 73% of the skier market and who form the core of any successful destination resort. For Alternative #3, the figure is 66%, but with a noticeable shortage in the important intermediate category and a corresponding surplus in the advanced category. To a lesser extent, the shortage of intermediate terrain also appears in Alternative #2.

Comment #3098: “Alternatives #1 and #2 as we have seen here on the pictures behind me effectively condemn the ski area to a policy of no-growth if not a slow death which by appearances may already be in progress. Economic models be damned. Everyone in this room knows that the area cannot grow, perhaps not even survive, with a figurative and literal cap on it down to the 2,700-foot level, which is about what Alternative #1 suggests.”

Response to Comment #3098: Saddleback Ski Area could expand to four times its current capacity under Alternative #1, by constructing the lifts and trails that the Maine Land Use Regulation Commission conditionally approved in 1989 and upgrading their existing facilities. Two of these lifts would ascend to elevations at or near 4,000 feet; a third would replace a lift that currently ascends to an elevation near 4,000 feet; and a fourth would ascend to an elevation of 3,300 feet. However, Alternative #1 would restrict development above 2,700 feet in the “saddle bowl” to the north of the existing ski area.

Alternative #2 provides for significant ski area expansion above 2,700 feet in the “saddle bowl.” Under this alternative, Saddleback Ski Area could expand to nine times its current capacity, including lifts up to the summits of the 3,300-foot No Name Nubble and the 3,775-foot peak north of The Horn. Sno.engineering, Inc., believes that Saddleback Ski Area needs to be able to develop ski terrain above the 2,700-foot elevation in the “saddle bowl” to provide the image of a major destination ski resort.

Comment #4957: “Since none of the diagrams presented any trail plans that were ever designed by the owners or discussed by employees of Saddleback who have been closely associated with the terrain as groomers and lift-maintenance workers, the illustrations were not a true representation of where the best places to have trails would be on the mountain.”

Response to Comment #4957: Sno.engineering, Inc., and DeWan and Associates (the firm that prepared the visual simulations) based their analysis on the best information available. In August 1998, the manager of Saddleback Ski Area identified the ski area's preferred locations for five upper lift terminals (three in the "saddle bowl" and two on the southeast side of the mountain) and two ski trail crossings of the Appalachian Trail. The locations of these facilities were surveyed and located by Global Positioning System (GPS) equipment. Saddleback Ski Area declined to provide any further information about their existing operations or future plans and refused to allow access to the property. Consequently, it would not be surprising if Saddleback Ski Area's final development plan differed from Sno.engineering's conceptual plan. However, if and when Saddleback Ski Area expands to the capacity and size of the alternatives considered in the assessment, the visual impacts are likely to be similar in magnitude to the visual impacts identified in the Environmental Assessment.

Comment #5007: "The south bowl should be entered and developed from the south side."

Response to Comment #5007: According to Sno.engineering, Inc., entering the southeast exposure from the south side of the mountain does not appear to be a financially feasible option and would require extensive additional study.

#### Substantive Comments and Responses Concerning Other Recreational Opportunities

Comment #1240: "At both of these hearings the subject of snowmobiles crossing the A.T. was off handedly mentioned, to me, as a subject that has been given considerable thought and that would be allowed. Now I have read the environmental assessment for the A.T. at Saddleback Mountain and there is not a single word about motorized sport vehicles (snowmobiles, etc.) in that book. Is this an oversight or another way to limit the multi-recreational usage of private property?" [This concern also was raised in Comment #3066.]

Response to Comment #1240: All of the alternatives being considered for protecting the Appalachian Trail across Saddleback Mountain provide for continuation of ITS 84/89, the snowmobile route that crosses the southeastern portion of the property. See pages 3-39, 4-11, 4-27, 4-46, and 4-62 of the Environmental Assessment.

Comment #4951: "One of the first things I am against in the EA is the mitigating measures beginning on page 2-12. The first measure I can't believe NPS wants is #6. 'Public use of all ski lifts above 2700 ft. and visible from the A.T. should be prohibited from May 1 to Nov. 1.' Doesn't this go directly against the Americans with Disabilities Act? I cannot believe that the NPS is so elitist as to say, 'if you are unable to walk to the top of Saddleback you are not allowed there.' What about people who aren't able to hike up? Shouldn't they also have a chance to enjoy the 'view'? A ski lift would be a perfect way to get people near the top and give Saddleback a chance to operate in the summer."

Response to Comment #4951: The National Park Service would not be opposed to one of the existing ski lifts (or a more modern lift in the same location) being used to provide access to higher elevations on the mountain. However, it may be appropriate to monitor the impacts to



alpine vegetation and consider limiting use if any adverse impacts to alpine vegetation occur as a consequence of any substantial increase in visitation.

Comment #5073: “One of the problems I have with the Park Service is they also will be shutting down other summer activities associated with Eddy and Moose and Deer Ponds. Not allowing fishermen the possibility of getting to these ponds with 4-wheelers in the summer with our canoes. It will also create a lot of problems for the existing snowmobile trails that the state subsidizes.” [This concern also was raised in Comment #5236.]

Response to Comment #5073: As noted in the Environmental Assessment, ITS 84/89 (the existing snowmobile trail across the property) would remain open for public use and summer vehicular access to Eddy and Moose and Deer Ponds would be restricted under all alternatives.

### Substantive Comments and Responses Concerning Cultural Resources

Comment #1969: “...the [National Trails System] Act provides for ‘maximum outdoor recreation potential’ and enjoyment of ‘scenic, historic, natural, or cultural qualities.’ Skiing, in fact, is a significant part of the Rangeley area culture. However, in the Assessment, the NPS summarizes the culture of the Rangeley area by beginning with reference to Paleoindians some 10,000 years ago and ending with a discussion of logging in the mid- to late- 1800s. The only discussion in the Assessment of the Rangeley area culture beyond the late- 1800s inappropriately focuses solely on the Appalachian Trail! Hiking and the Appalachian Trail do not summarize the present culture of Rangeley, and to suggest that they do serves the interests of only one segment of the population. The Assessment fails to note that the ‘culture’ of the Rangeley region today is primarily defined by tourism focused on many outdoor recreational activities, with hiking representing only one of several activities available in the area. In fact, the 1999 guidebook to the area, ‘Maine’s Western Mountains and Lakes Region,’ lists 15 outdoor activities that can be enjoyed in the Rangeley Lakes Region - hiking is listed as one of the 15 outdoor pursuits. Skiing is every bit as significant a factor in the Rangeley area culture as hiking, however, in the Assessment, the notion of skiing is simply described as an alternative recreational use of Saddleback Mountain.”

Response to Comment #1969: The discussion of cultural resources beginning on page 3-25 of the Environmental Assessment includes a brief description of the history of the Appalachian Trail because there has been an ongoing debate among historians regarding the potential significance of the Trail in the early outdoor-recreation movement in the first part of the 20<sup>th</sup> century. Though it is not listed on the National Register of Historic Places, the Maine State Historic Preservation Office has indicated that the Appalachian Trail should be evaluated for potential nomination to the Register. Skiing and its importance to the Rangeley region are discussed at length under the subsection titled ‘Recreation’ in Chapter 3 of the Environmental Assessment, beginning on page 3-32. In addition, an extensive discussion of the relative importance of Saddleback Ski Area in the local economy is provide under the subsection ‘Social and Economic Environment’ beginning on page 3-45.

## Substantive Comments and Responses Concerning Visual Resources

Comment #1376: “I suspect that ‘computer-generated’ picture of Saddleback [Mountain] forgot to program real trees into the simulated image, otherwise most of the ‘trails’ shown would not be visible.”

Response to Comment #1376: The computer-generated simulations accurately depict the height, density, and type of vegetation found in each of the natural communities on Saddleback Mountain. A detailed explanation of the process that was used to develop the visual simulations is provided in Appendix E of the Environmental Assessment. As noted in the second paragraph on page E-1 of the document, “(v)egetation was simulated by establishing height and density data for the vegetation types for each natural community and selecting representative tree or shrub species” for each area.

Comment #1807: “Admittedly, some of the projected ski development associated with alternative 2 (on the slopes of the 3,772-foot peak north of The Horn) would be visible from the Trail. However, due to the distance between those facilities and the Appalachian Trail footpath, the impact on visual quality would be far less intrusive. This separation also would allow more effective mitigation of the visual impacts, including adjusting the orientation of ski trails in relation to viewpoints from the A.T., which might have the effect of reducing the visibility of ski-related modifications to the landscape; feathering the edges of ski trails to more effectively blend these openings with the surrounding forest; and including islands and other design techniques to create a more ‘natural’ appearance.”

Response to Comment #1807: Visual impacts usually can be mitigated to a significant extent by increasing the distance between the viewer and the landscape elements being viewed. Details are more discernable in the foreground zone at distances less than ¼ to ½ mile than in middle-ground distances greater than ¼ to ½ mile from the viewer. As distance increases, details become less obvious, colors appear more muted, and textures, lines, and forms are less discernable. Mitigating measures also can be more effective when the landscape being modified is more distant from the viewer. Changing the shapes of ski trail openings and remaining vegetated interstices, varying the widths and shapes of ski trail openings, feathering the height and density of vegetation along ski trail edges, and introducing islands and glades into the forest mosaic are ski trail design techniques that can be used effectively to reduce visual impacts when viewed from a distance.

Comment #1822: “The conclusion that because the [northwest] ridge to Potato Nubble is in the visual middleground and of common scenic quality then it should be classified with a quality objective of partial retention discounts the integral role this undeveloped ridgeline plays in the overall experience of being subordinate to the natural world atop its crest. Development will be clearly seen from the Saddleback ridgeline and this certainly would change the feeling you get looking out to that vast, undulating forested landscape. I contend that perhaps this entire ridge could be given a classification of Mg1B/R. Although ‘common’ is given to this ridge’s scenic value, it is integral to the experience we are all fighting to preserve and is worthy of retention.”

Response to Comment #1822: As is evident from the photograph on page 3-4 of the Environmental Assessment, the ridgeline from The Horn to Potato Nubble is clearly an important component of the scenic landscape of Saddleback Mountain when viewed from the Appalachian Trail. However, it is also clear that the portion of the ridgeline classified as being in the “middleground zone” is less critical than the area defined as the “foreground zone.” The distinctions between the “foreground zone” and “middleground zone,” and ultimately the distinctions made in the mapped or adopted visual quality objectives (which are derived from the variety classes, distances zones, and other variables) are part of the Visual Management System’s standardized scientific method of evaluation. In some cases, a visual quality objective of “retention” has been adopted for a “Class A” or “distinctive” geologic or scenic feature in the middleground zone of a resource with a “sensitivity level 1” rating like the Appalachian Trail. However, the ridgeline between The Horn and Potato Nubble does not contain any unique geologic or vegetation features that would qualify it for such a designation.

Comment #1829: “Additionally, as evidenced by the thousands of people who hike ski trails and open meadows annually, many hikers prefer the viewsheds offered by these wonderfully open spaces. The EA report makes no reference to the viewshed preferences of these hikers.”

Response to Comment #1829: Research supports the concept that most hikers prefer the distant views that are typically available from mountain summits, ridges, and other high points in the landscape. Hikers on the Appalachian Trail are participating in a recreational activity that is highly dependent on the natural appearance of the landscape settings. Their expectation is to see distinctive (Variety Class A) scenery characterized by panoramic views of natural-appearing landscapes. The opportunity to experience these views is one of the main reasons that hikers hike on the Appalachian National Scenic Trail. It is also hikers’ expectation that lands seen from key viewpoints along the Appalachian Trail will be managed in a manner that recognizes and protects the uniqueness of the natural landscape and its recreational values. These expectations differ from those of hikers who climb a mountain via a ski trail, who fully expect to see ski lifts, buildings, and other manmade intrusions. If these types of facilities were present within foreground zone of the Appalachian Trail, they would not be consistent with the expectations of Appalachian Trail visitors.

Comment #1830 (1): “In all cases, Saddleback has offered that all lifts and other permanent structures would be located below the tree line, and would be painted earth tone colors, so as to minimize visibility from the Trail.”

Response to Comment #1830 (1): The “tree line” is a term that has been interpreted differently by different parties. Because of severe environmental stresses, trees on Saddleback Mountain grow increasingly shorter as they approach the ridgeline, ending in krummholz that is often less than five feet in height near the ridgeline. Saddleback Ski Area’s proposed donation includes a provision that no development would be permitted above a ‘mountain top tree line.’ This area, as mapped by Saddleback Ski Area, ranges from 50 to 400 feet in width. This provision is noted on page 2-7 of the Environmental Assessment.

Mitigating measures, including painting facilities with non-reflective colors that blend into the background, are identified on page 2-12 of the Environmental Assessment. Saddleback Ski

Area's proposed donation does include a statement that the ski area will paint all above-ground facilities and structures an earth tone color or a non-reflective forest green, black, or gray. The selection of exterior colors that blend with the landscape background is often a simple and effective way to reduce visual impacts, particularly when seeking to mitigate the visual impacts of facilities that are seen at a distance (in the middleground or background) or that are already partially obscured by intervening terrain and vegetation. However, the physical location of facilities with respect to views from key public viewpoints is more often the most important design consideration at the master development plan level, not the color or design of the facilities. Mitigating measures such as painting facilities with appropriate colors have a limited degree of effect when large-scale facilities, extensive clearing of vegetation, and site grading occur close to the viewer (in the foreground zone).

Comment #1830 (2): "The Park Service failed to state other mitigating measures that Saddleback offered in its donation offer including Saddleback's offer to provide gated vehicular access to Eddy Pond in the summer in order to maintain the area as a primitive campground, and to bury any water pipes and utilities that would otherwise be visible from the Trail at Eddy Pond."

Response to Comment #1830 (2): As noted on page 2-7 of the Environmental Assessment, Saddleback Ski Area's proposal includes a clause that "(s)nowmaking equipment and utilities would be buried within 50 feet of the footpath of the Appalachian Trail." Saddleback also offered to maintain a gate to control access across its easement from May 1<sup>st</sup> to October 1<sup>st</sup> to discourage unrestricted summer use of Eddy Pond.

Comment #1969 (1): "The Assessment states that the USDA National Forest Service performed a visual quality study of the area in 1989. Their classification system includes a designation 'Preservation (P)...usually applied only in designated wilderness.' This category of protection was not included for any part of the Saddleback Mountain visual foreground, middleground, or background. Since no agencies have zoned this as a wilderness area, it is disconcerting that the NPS should attempt to treat it as a wilderness area."

Response to Comment #1969 (1): As noted on page 3-6 of the Environmental Assessment, the visual quality objective of "preservation" is only applied to wilderness areas designated by Congress. None of the Appalachian Trail across Saddleback Mountain is being considered for wilderness designation, nor is any of it identified as having a visual quality objective of "preservation." As noted on page 3-7 of the Environmental Assessment, the visual quality objective for the foreground zone of the Appalachian National Scenic Trail on Saddleback Mountain is classified as "retention," which provides for management activities that are not visually evident, and the visual quality objective of the middleground zone is classified as "partial retention," which provides for management activities that are visually subordinate to the characteristic landscape. In most cases, the visual impacts of ski area roads, chairlifts, cleared ski trails, and other commercial ski area facilities cannot be mitigated to the extent that they can meet the visual quality objective of "retention" in the foreground zone unless topography and vegetation effectively screen the developments from view. The visual impacts of these types of facilities can be more effectively mitigated in the middleground zone to meet the visual quality objective of "partial retention."

Comment #1969 (2): “The Assessment also includes the results of a visual sensitivity study performed by North Carolina State University. In their report on page 3-11 they indicate that one can see the low center of the bowl (where ski trails and lifts might be) for five tenths of a mile in distance as one traverses the trail. Obviously this means that one can not see into this bowl center from the remaining 2.3 miles of this approximately 2.8 mile hike across Saddleback lands, still providing the outstanding ‘hiking experience’ sought by the ATC.”

Response to Comment #1969 (2): The lower portion of the “saddle bowl” is visible from the AT for a linear distance of approximately one-half mile. However, the upper elevations of the bowl (from Potato Nubble to The Horn to the summit of Saddleback Mountain) are visible for distances of a mile or more along the Appalachian Trail. In addition, under Alternative #3, the Upper Advanced, Sundance, and No Name Nubble lifts, the ski trails crossings, *and* ski area expansion on the southeast side of the mountain also would be visible from the Trail. In total, ski area development would be visible from virtually all of the Appalachian Trail above treeline, beginning with the proposed ski trail crossings on the southwestern flank of Saddleback Mountain and ending on The Horn, a distance of approximately 2.0 miles. Other proposed developments, including damming and drawing water from Eddy Pond, constructing snowmaking sheds, pumps, pipelines, and other facilities, constructing an improved access road, and constructing utility lines and other facilities within a 200-foot right-of-way near Eddy Pond, would substantially change the visual landscape and outdoor recreational experience currently available along the Appalachian Trail in the vicinity of Eddy Pond. The only portion of the Appalachian Trail that would remain in its current condition under Alternative #3 would be approximately one-half to two-thirds of a mile of the southern ascent of Saddleback Mountain, from the access road crossing to the point where the two catwalks would intersect the Trail on the southwestern shoulder of the mountain.

Comment #1997: “The utilization of Eddy Pond for water usage or snowmaking would be a disaster to the trail experience around the pond and in viewing the pond from the mountain.”

Response to Comment #1997: The visual impacts of Alternative #3 are described on pages 4-33 through 4-39 in the Environmental Assessment. Both close-range views of Eddy Pond from the Appalachian Trail next to the pond and long-range views from several vantage points on the Trail as it ascends the southwestern ridgeline of Saddleback Mountain would be affected by damming Eddy Pond, changing water levels in the pond, constructing snowmaking sheds, pumps, and other snowmaking facilities to and from the pond, and clearing and construction of utility lines and improvements to the access road within the proposed 200-foot right-of-way next to the pond.

Comment #2161: “From what I can see on the plans you sent, the only impact on the trail is visual, and we all see things every day that are not pretty, but are necessary to support the economy. If they were all done away with none of us would have any livelihood. I believe that many of the hikers, [who] are also skiers, would not find the trails offensive, and if the hikers that use that portion of the trail could be polled, the great majority would not care at all, and the few who would will oppose anything that was not in its natural state, no matter what it does to

the rest of the people and their ability to have a decent life.” [This concern also was raised in Comment #3038.]

Response to Comment #2161: It is true that many people today do endure looking at negative impacts to their environment on a routine daily basis. Many land uses and facilities in this country were created solely with utilitarian purposes in mind, without consideration of their aesthetic impact. The Appalachian National Scenic Trail was created specifically with its aesthetic environment in mind. Many would argue that scenery is what the Trail should be managed for, above all other values, and that Congress specifically designated the Appalachian Trail and other trails as “national scenic trails” to emphasize the importance of scenery and natural settings that are free from many of the negative visual impacts usually associated with urbanization and development. It is not the intent of the Visual Management System to eliminate manmade facilities, structural improvements, competing land uses, or economic development opportunities. Quite the contrary, the intent of the Visual Management System is to design and locate attractive facilities with low visual impacts, especially as seen from public lands and other locations where the majority of visitors have a high sensitivity to the natural environment.

Comment #3075: “(I)t seems to me if somebody can’t walk over that trail, can’t even look down and see a tower from a ski slope and be upset about it, we are in deep trouble, folks. They don’t need all the thousands of acres just to have a trail across it. And if somebody has to look at a ski tower for five minutes, I say that’s kind of tough because a lot of us have to look at a lot of things that we don’t necessarily like.”

Response to Comment #3075: Perceptions about the landscape are based primarily on what people see. Hikers on the Appalachian National Scenic Trail expect to see natural-appearing landscapes, particularly in a remote and highly scenic setting such as Saddleback Mountain. If human uses of the environment on adjacent lands blend with the natural setting (or ideally, are hidden from view), they will be less noticeable to visitors and it is more likely that visitor expectations will be met. The length of time a person has to view a scene does influence perception by increasing awareness of details. The objective of scenery management is to maximize the length of time users spend viewing natural-appearing landscapes, and minimize the amount of time spent viewing manmade objects that contrast with the natural landscape character.

Comment #3089: “We have selected lift terminals that we thought would be compatible for our use. We have made sure that we have located those terminals in the best possible place. When you are standing on the Appalachian Trail, looking toward those lift terminals, you can’t see them from the trail. When you are standing on top of Saddleback, obviously you are looking down into the bowl, and yes, you do see the trails and the lifts. I think we all have to expect to see some lifts and some terminals down in the bowl, but you have to believe that Saddleback has taken all the efforts it can to minimize the impact on the trail and make sure they’re as far back as possible.”

Response to Comment #3089: We agree that the existing ski lifts and trails are located, for the most part, in areas that are not visible from the Appalachian Trail. We also agree that the

currently undeveloped “saddle bowl” is visible from the Trail and the summit of Saddleback Mountain, and that if ski trails and lifts were constructed in the “saddle bowl,” they would be visible from the Appalachian Trail. The closer ski area facilities are to the Trail the more likely they are to be visible and the harder it would be to mitigate negative visual impacts.

Comment #4960: “If one is climbing a mountain and hiking along the Appalachian Trail and can see ski area trails on one side already there how can it logically be argued that it will negate the feeling of being in the wilderness to see some part of the new trails on the other side of the mountain?”

Response to Comment #4960: This is a matter of cumulative impacts, distance zones, and visitor expectations. Presently, the only portion of the existing ski area that is clearly visible from the Appalachian Trail is the portion of the Stagecoach double-chair lift and trail system that can be seen from the summit of The Horn, almost two miles away (see Photo-simulation 4.1.3 on page 4-5 of the Environmental Assessment.) The Existing Visual Condition of the foreground viewshed, as noted on page 3-7 of the Environmental Assessment, is primarily “untouched,” while the middle-ground viewshed ranges from “untouched to unnoticed.” Further, the foreground zone is currently considered to be in a pristine condition, where natural ecological changes have been allowed to take place over a long period of time. If ski area development were to occur on both sides of the mountain, it would have a substantial effect on visitors’ perceptions of their environment as they hike across Saddleback Mountain on the Appalachian Trail. Modification of the vegetation and placement of structures on both sides of the Trail would, in effect, give hikers on the Trail the sense that they are walking through a commercial ski area instead of walking past it as an adjacent land use.

#### Substantive Comments and Responses Regarding Socioeconomic Issues

Comment #0347: “The one problem with all alternatives presented is that they assume there will be a ski area on the mountain. The market share of Saddleback Ski Area has been dropping, the ski area is considered to be remotely located, there is a lack of beds and other resort facilities to attract skiers, and there has been little reinvestment into outdated facilities. Expansion plans have been conditionally approved for 10 years with no action. The present owner does not appear to have the resources to develop the ski area and refuses to allow National Park Service personnel or contractors onto the property to accurately assess the situation. The owner has indicated the operation is for sale, but given the above conditions, a buyer with sufficient resources to develop the area as a ski resort is not assured.” [These concerns also were raised in Comments #0529, #0635, #1057, #1488, #1807, #1988, #2066, and #2904.]

Response to Comment #0347: Sno.engineering, Inc. (a firm that specializes in ski area development) agrees that the location, lack of beds and other resort facilities, and lack of investment in facilities have been factors in reducing Saddleback Ski Area’s market share. The anticipated effects of these and other factors are described in the Environmental Assessment.

As noted in the Environmental Assessment, a “logical development scenario” for ski area expansion is provided under each alternative so that the effects of potential ski area expansion

under that alternative can be measured. Determining whether or not expansion would be profitable would require an investment analysis, which would be the responsibility of the owner or a prospective purchaser.

Comment #0353: “(I)f the market response analysis is correct (p. 4-73 in particular) the yield of any of the improvement schemes is nowhere near enough to cover the financing and the additional operating costs of the proposed expansion. In the following, I assume 30-year financing at 6%, which are very favorable terms, and I assume that the additional operating cost is 50% of the new income, which is very optimistic; it is probably more like 75%.

	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Total amount of bond at year 10	18,800,000	42,800,000	62,200,000	50,000,000
Annual Bond payment, assuming 30 years at 6%	-1,365,800	-3,109,373	-4,518,762	-3,632,446
+ Additional Operating Cost	<u>-305,000</u>	<u>-1,730,000</u>	<u>-3,015,000</u>	<u>-2,680,000</u>
=Total payment plus new operating cost, year 10	-1,670,800	-4,839,373	-7,533,762	-6,312,446
+projected additional annual income	<u>610,000</u>	<u>3,460,000</u>	<u>6,030,000</u>	<u>5,360,000</u>
=Net loss at year 10 and thereafter	-1,060,800	-1,379,373	-1,503,762	-952,446

Even with the financially best scenario (Alternative 4) additional income would have to be \$7,300,000 before break-even is reached, owing to the effect of increased operating costs. This would mean almost 50% more skiers than the estimate and that the very optimistic financing and operating assumptions continue to hold. This seems very unlikely.

This grim analysis is borne out by the New England ski industry at large, and by Saddleback’s own experience – in view of its as yet unfulfilled expansion plan approved in 1989. It is a mature industry, and almost no area is expanding – those that are (ASC) are choking on debt. The recent fickle weather and the perception of global warming is making things worse. It is time to hunker down and survive, and hope for better times; it is not the time to expand. No businessperson is going to undertake such a losing move just to benefit the local economy; they will look at the economics (provided for them at no charge by your excellent report) and forget it.”

Response to Comment #0353: Sno.engineering did not conduct an investment analysis as part of its work on the Environmental Assessment. Such an analysis would be the responsibility of the owner or a prospective investor and is beyond the scope of the assessment. However, this comment does provide a simplified investment analysis that, based on the author’s assumptions regarding financing and increases in operating costs, shows that all of the alternatives would operate at a loss from a financial perspective.

Comment #0400: “The number of skier/snowboarders lift tickets sold each year has been decreasing for years. In this diminishing customer pool, Saddleback will never be able to compete with the established mega-ski area resorts of Sugarloaf and Sunday River. That market segment is saturated. A wiser approach would be to focus on their existing niche – ski



areas like Mad River Glen and Smuggler's Notch in Vermont, Alta in Utah, and Jackson Hole in Wyoming have all been very successful with this approach of controlled, managed growth." [This concern also was raised in Comment #1481.]

Response to Comment #0400: Sno.engineering, Inc. does not agree that the customer pool for ski areas is necessarily "decreasing." Skier-visits nationwide have been relatively stable. (See Table 3.28 on page 3-36 of the Environmental Assessment.) However, Maine ski areas have enjoyed a substantial increase in skier-visits during the past 15 years, largely in response to expansion activities at Sunday River and Sugarloaf ski areas. Whether an expanded Saddleback Ski Area could successfully compete with Sugarloaf and Sunday River would depend on a variety of factors, including those discussed in the Environmental Assessment.

Comment #0406: "I think it is important to consider other factors of the economic impact. Yes, a few (hundred) jobs will be added during the skiing season. What will happen during the off season? Will those unemployed swell the ranks of unemployment compensation like construction workers do in the winter? What about the concomitant growth in services for the additional skiers? All these people will increase the burden on the general area and will extend to the A.T. corridor harming the whole hiking experience for future generations." [This concern also was raised in Comments #0601 and #3082.]

Response to Comment #0406: According to Sno.engineering, Inc., mountain resorts throughout New England and the U.S. create a substantial number of seasonal jobs, but the people who fill these jobs do not necessarily "swell the ranks of unemployment" during the off-season." Seasonal jobs at mountain resorts are often filled by area residents who do not have another job or who are adding to household income by taking on a second job. Local teenagers also fill many part-time positions. In addition, a segment of seasonal positions are taken by non-local residents or second home owners who stay in the area only for their period of employment. As a result, the end of the ski season does not typically cause a major disruption in the local job market. As noted in the analysis of the Alternatives in Chapter 4 and the comparative analysis on page 4-75 in the Environmental Assessment, resort expansion would create demands for additional municipal and county services – typically in direct proportion to the extent of the expansion. However, the ski area operator has not made available any plans for housing or increased services for additional skiers. While it is reasonable to expect that these investments would be required, there are no plans available for analysis.

Comment #0529: "Given the size and geography of the mountain, its remote location, and the absence of any major highways nearby, Saddleback is destined always to be a second tier area. This rings especially true when one considers that Sugarloaf and Sunday River, both world-class areas already, are each a hour closer to the major metropolitan markets."

Response to Comment #0529: As noted in the Environmental Assessment, Sunday River Ski Area's location is superior to Saddleback Ski Area's with respect to major metropolitan markets. In terms of driving distance and access to major markets, Sugarloaf's location is only slightly superior to Saddleback's.

Comment #0598: “Saddleback Ski Area, many of the local publications, and the Maine Congressional delegations have maintained that the National Park Service and the Appalachian Trail Conference have thwarted the growth of the region by prohibiting the ski facility from expanding. They never mention the fact that in 1994 the Maine Land Use Regulation Commission (LURC) granted Saddleback’s development request to at least triple its current capacity. Yet, during the five years since that ruling, Saddleback has invested virtually nothing in new ski terrain, or lifts, or improvements.

I believe that Saddleback’s economic problems stem not from the NPS or the ATC, but are rooted in their geographic location. The skiing community has many other facilities available much closer to the heavily populated areas of New England and the Mid-Atlantic States. The skiing community does not have to travel half the state of Maine to pursue their passion.” [This concern also was raised in Comments #0529, #0635, #1057, #1488, and #1551.]

Response to Comment #0598: Sno.engineering does not have any data available to make a determination as to whether or not the Saddleback Ski Area is having ‘economic problems.’ While the lack of investment activity at the ski area would suggest that it is not a profitable operation, it is also possible that the operators simply choose not to make these investments for other reasons. Sno.engineering agrees that a number of factors – access among them – will affect the ultimate profitability of a resort at this location.

Comment #0601: “The EA projects substantial long-term economic benefits to Franklin County if ski area expansion were to occur. *But* ski area expansion will provide little, if any, long-term economic benefits to the State of Maine. If Saddleback Ski Area expands, it will not attract new skiers but will instead siphon skiers away from existing Maine ski areas. (See EA, pages 3-36 to 3-39, 4-73, and D-3 to D-4.)” [This concern also was raised in Comments #1988, #2212, and #2904.]

Response to Comment #0601: Sno.engineering does not agree that an expanded ski area at Saddleback would “provide little, if any, long-term economic benefits to the State of Maine.” The experience of the past 15 years in Maine is that ski area expansion has attracted a substantial number of new skiers to the state. During the 1983/84 season, ski areas in Maine attracted 425,000 skier-visits. This increased to 1,408,202 skier-visits by the 1997/98 season, a 231 percent increase. (See page 3-37 of the Environmental Assessment.) It is clear that the additional 983,000 skier-visits have resulted in substantial economic gain to the state and that many of these new visits were attracted by expanded resort operations at Sunday River and Sugarloaf. Similarly, an expansion of the Saddleback ski operation could be expected to bring new skiers to the state and a long-term economic benefit. However, as noted in the comparative discussion of social and economic consequences for the alternatives (see Table 4.5.5 on page 4-73 of the Environmental Assessment), Saddleback still would not attract as many skiers as Sunday River or Sugarloaf ski areas.

Comment #0635: “The issue of Saddleback Ski Resort expanding seems to be a little flawed when you consider that the resort has been approved to expand since 1989. The ski resort has failed to attempt to expand their facility or upgrade equipment. Is this because they are holding out for a bigger selling price or is it because of the lack of investors willing to risk money with

two very large ski areas nearby like Sugarloaf and Sunday River?” [These concerns also were raised in Comments #0347 and #1057.]

Response to Comment #0635: The information made available by the operators of the Saddleback Ski Area is not sufficient for Sno.engineering to make a determination why they have not expanded the operation. Further, the operators have not provided any information regarding the potential sale of the operation.

Comment #1160: “If Saddleback were ever to be developed to the owner’s fullest designs, the good residents of Rangeley, including the direct and indirect employees of such an operation, might ultimately find themselves having to move to even more remote areas of the state where land values and property taxes might still be affordable to them.”

Response to Comment #1160: There are a number of instances in which major, successful mountain resort development has been associated with increased land and real estate values in a nearby community. However, this process takes a number of years and is by no means uniform from resort to resort. As such, it is premature to project that the expansion of the ski operation would force local residents to move to “more remote areas of the state.” In general, the experience in New England communities that accommodate major ski resorts is that local property tax rates fall below regional averages. Typically, a ski resort community’s tax base is boosted by the resort’s facilities and ancillary activities that are attracted to the community by the resort, including second homes. Thus, it is unlikely that ski area expansion would drive away local residents because of higher property taxes. If development were to occur, it would be reasonable to expect land values to increase, which would benefit current landowners but adversely affect people who do not own property.

Comment #1192: “(I)n a strict economic sense, the studies by Sno.engineering suggest that alternative three represents the best opportunity to maximize the economic benefits of the land while offering protection for the trail.”

Response to Comment #1192: Substantial economic benefits to the Rangeley area could accrue under all of the alternatives. While Alternative #3 would be expected to generate the most economic activity; it also would require the most significant municipal and county response to provide the necessary infrastructure and services for resort visitors, cause the most substantial impacts to the environment, require the most capital outlay, and provide the least degree of protection for the Appalachian Trail. It should be noted that Alternatives #2 and #4 would provide for significant economic benefits as well, with the economic benefits of Alternative #4 approaching those of Alternative #3. A detailed comparison of the social and economic consequences of the alternatives is provided in the Environmental Assessment, beginning on page 4-73.

Comment #1495: “Because we have done so ourselves, we want to point out that hiking along the Appalachian Trail in Maine brings considerable tourism to the State. The opportunity to hike across a few exceptional places like Saddleback Mountain inspired many of us to visit Maine and to spend weeks there exploring many more miles of trail and many more of the

State’s attractions. To do so, we consume many services.” [This concern also was raised in Comment #1466.]

Response to Comment #1495: The National Park Service’s and Sno.wengineering’s socio-economists agree that hiking along the Appalachian Trail brings tourism to the State. However, because the number of hikers and their per capita expenditures are not well documented, it was not possible to quantify their economic impact in the Environmental Assessment.

Comment #1807: “Alternative 2, while limiting potential ski-area expansion to some degree, also would provide an opportunity for:

- the ski area to expand to nine times its current capacity
- the ski area to achieve a distribution of ski terrain that closely follows industry standards, with significant increases in trail acreage for all skier-ability levels (including advanced and expert), ranging from 150 to more than 300 percent
- enormous potential economic benefits to the Rangeley community and Franklin County, including an estimated \$81 million in construction and visitor spending and the creation of 750 new jobs.

The information provided in the environmental assessment indicates that Alternative 2 not only provides good protection to the Appalachian Trail and related resources, but also the opportunity for significant ski-area expansion, within available ski terrain, that would result in important economic benefits to the Rangeley region and Franklin County. We have prepared the following comparison of the existing ski area to the projected expansion under the ‘logical development scenario’ associated with Alternative 2:

<u>Measure of Expansion Potential</u>	<u>Current Ski Area</u>	<u>Projected Expansion</u>	<u>% increase from Current to Projected</u>
SAOT (skiers at one time)	1,300	11,400	877%
Annual skier visits	33,250	146,000	440%
Number of lifts	5	14	280%
Lift capacity (persons per hour)	3,790	24,700	650%
Number of trails (all ability levels)	40	72	180%
Beginner/Novice	6	14	233%
Intermediate	21	30	143%
Advanced/Expert	13	28	215%
Comfortable carrying capacity	1,300	11,400	877%
Beginner/Novice	350	3,330	951%
Intermediate	730	4,020	575%
Advanced/Expert	220	2,350	1,068%

Acreage of Trails (all ability levels)	96.5	357.7	371%
Beginner/Novice	18.4	78.7	428%
Intermediate	63.1	58.2	251%
Advanced/Expert	25.0	120.8	483%

Skier-ability Profile (percentage of skiable acreage by skier ability):

Beginner/Novice	19%	35%
Intermediate	55%	41%
Advanced/Expert	26%	24%

Projected Visitor Expenditures (on-site; additional expenditures would be generated off-site)

\$4 million	\$38.27 million	968%
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Jobs created (on site; additional jobs would be created elsewhere in Franklin County)

21 FTEs	469 FTEs	2,233%
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Size compared to Other Ski Areas: Under Alternative 2, Saddleback could expand to a size roughly between Sugarloaf and Sunday River and would move from 7<sup>th</sup> ranked to 2<sup>nd</sup> ranked among ski areas noted.

<u>Ski Area</u>	<u>No. of Trails</u>	<u>No. of Acres</u>	<u>Lift Capacity</u>	<u>Rank</u>
Sunday River	--	457	30,000	1
Saddleback (expanded)	73	357	24,700	2
Sugarloaf	--	283	17,000	3
Attitash	--	280	12,026	4
Wildcat	20	--	8,500	5
Cranmore	--	190	--	6
Shawnee	31	--	5,600	7
Saddleback (existing)	41	96	3,790	

Response to Comment #1807: It is important to note that the economic benefits listed in this response are cumulative, and would accrue over a 10-year period. In addition, approximately \$13.54 million of the \$42.77 million required for construction under Alternative #2 would flow to non-local suppliers. (See page 4-28 of the Environmental Assessment). The remaining \$67.50 million of the \$81 million in construction and visitor spending would flow to local suppliers under Alternative #2.

The tables in the response identify an incorrect figure for Lift Capacity (Persons) under Alternative #2 in the table on page 4-71. Instead of 19,890 persons per hour, as shown on page 4-71 of the Environmental Assessment, the figure should be 24,700 persons per hour, as shown in the tables above and in Table 4.2.6 on page 4-25 of the EA. This information is shown correctly in Table 4.2.6 of the Environmental Assessment and does not affect other portions of the analysis, which are based on the Comfortable Carrying Capacity for each alternative. As noted in the comment, Saddleback Ski Area would be approximately 45% larger than Sugarloaf

Ski Area under Alternative #2. This is consistent with the statement on page 4-27 of the Environmental Assessment, which indicates that under Alternative #2 Saddleback Ski Area could become a major resort similar in size to Sugarbush Ski Area in Vermont and Sugarloaf Ski Area in Maine.

Comment #1822 (1): “Sno.engineering reports that Saddleback would have to upgrade their skier service on the mountain, upgrade snowmaking to 90% coverage, construct townhouses and hotel-like accommodations, and upgrade existing lifts to high capacity equipment just to stay competitive within their existing infrastructure. Also most modern mountain resort expansion includes elements, which are supplied by the surrounding region: bed base, alternative recreational facilities, cultural and entertainment facilities, infrastructure. ‘The absence of these facilities and amenities would have a serious negative impact on market performance.’ The relevant known factors are those that occur to the scenic and natural resources of Saddleback Mountain and the Appalachian Trail. The socioeconomic factors are very uncertain. As stated in the EA, ‘(t)he only clearly measurable direct impact associated with protection of the Trail itself would be small decreases in property tax bases, which would be largely offset by payments under the Payments-in-Lieu-of Taxes program.’ All other socioeconomic outcomes are only guesses, educated ‘scientific’ guesses, but guesses nonetheless. Perhaps an equally valid socioeconomic scenario under each alternative would be that Saddleback Ski Area, not unlike Big Tupper Ski Area in the Adirondacks, goes out-of-business. I personally think that this socioeconomic scenario is perhaps the most likely outcome *regardless* of the final alternative selected under this EA.”

Response to Comment #1822 (1): Sno.engineering and the National Park Service disagree with the commentor’s contention that the socioeconomic outcomes reported in the Environmental Assessment are only ‘guesses.’ While we agree that any projection is subject to some uncertainty, there is a substantial database and extensive analytical underpinnings for the projections reported in the Environmental Assessment. If the ski area were to expand, it is certain that there would be a range of inputs to the local and regional economy and that they would be similar in scope to those reported in the assessment. It is also certain that concomitant demands would be placed on local communities to provide the necessary infrastructure improvements. It is beyond the scope of the EA to determine whether or not it would be profitable for the owner of the ski area to undertake such an expansion or if the current owner is capable of undertaking such an expansion.

Comment #1822 (2): “It was unclear whether or not the towns have pledged to support the massive Saddleback expansion scenarios for alternatives 2, 3, and 4, especially for the needs for additional police, fire, and emergency medical services, expanded or new solid waste disposal facilities and road and highway improvements, and taxation rates.”

Response to Comment #1822 (2): The “logical development scenarios” that accompany each of the alternatives are not imminent plans. They were developed so that the National Park Service and the public would have a better understanding of what the effects of ski area development would be under each of the alternatives. Municipalities typically would not respond until an actual proposal was submitted, at which time they would evaluate the need for additional services or increases in taxation rates.

Comment #1828: “(T)he preservation alternatives here in no way harm the operation of Saddleback Ski Area. They all accommodate such expansion as has been approved to date by the state regulatory process. Saddleback Ski Area could be primarily attempting to manipulate the market value of its (for-sale) property in a climate of shrinking ski demand. Other ski areas in Maine are foundering. How could Saddleback successfully expand by ten times (Alternative #3)?”

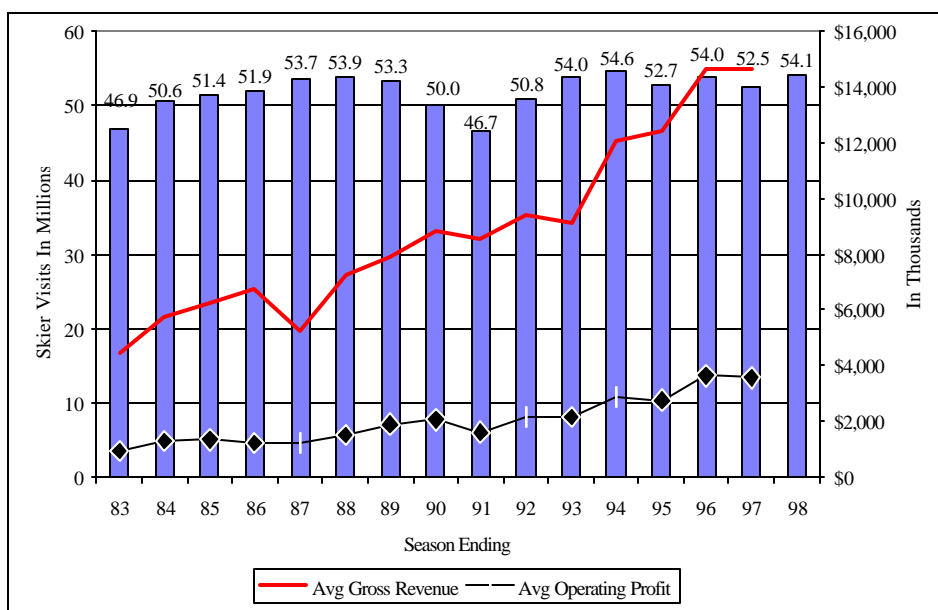
Response to Comment #1828: The commentor is correct in stating that all of the alternatives considered in the Environmental Assessment would in no way harm or affect Saddleback Ski Area’s current operations or the expansion plans that have been conditionally approved by the Maine Land Use Regulation Commission. This fundamental point often has been overlooked.

As in any industry, there are both successful and unsuccessful individual businesses in the ski industry. It certainly is not true that all ski areas in Maine are foundering. Several have been quite successful, as ski visits to Maine have increased dramatically over the past 15 years. While there is no certainty that Saddleback would be successful if it were to expand to four or even ten times its current capacity, there are a number of examples in the U.S. ski industry where expansion of this order has occurred and been successful.

Comment #1834: “All of these proposals, of course, assume that a market exists for expansion on Saddleback Mountain. I would argue that such a market does not exist. I have been involved with the ski industry for a number of years, and even in the best of times I have observed it to be an unreliable, unstable, seasonal (at best) marketplace. Sugarloaf/USA, cited by many as a model for development on Saddleback, provides seasonal employment from approximately mid-December until late March, depending on snow levels, weather, and number of visitors. As successful as Sugarloaf has apparently been, it filed for Chapter 11 in the early 1980’s and in more recent years has had to lay off workers (including myself) in mid-season to make ends meet. American Skiing, the company which owns Maine’s two largest ski resorts, Sugarloaf and Sunday River, consistently has been one of the Dow Jones’ worst performing stocks since it went public several years ago. The truth is simple: *ski resorts simply don’t make money*. The best-performing ski areas in Maine are the ones closest to our major population centers: Lost Valley (in Auburn) and Shawnee Peak (in Bridgton, 45 minutes from Portland). Saddleback, located 14 miles along a windy road from the isolated town of Rangeley, if it were to expand, would put itself in the unenviable position of trying to compete with Sugarloaf and Sunday River for an already limited number of skiers. [This concern also was raised in Comments #0529, #1488, #1492, #1815, and #1988.]

The Rangeley area is doing well *without* the help of Saddleback Ski Area. In spite of the fact that skier visits are at a 20-year low at Saddleback, and in spite of the fact that the last several times I’ve been to the base area at Saddleback the place has been practically deserted, unemployment is the lowest it’s been in years, property values are at an all-time high, and the downtown is bustling. Rangeley is a great little tourist town already, supported by snowmobilers, boaters, fishermen and women, canoeists, hikers, backcountry skiers, mountain bikers, kayakers, leaf peepers and other outdoor enthusiasts. Development on Saddleback Mountain will not make or break the town of Rangeley.”

Response to Comment #1834: The author states that “ski resorts simply don’t make money.” This is inaccurate. As is true in any industry, there are both successful and unsuccessful individual businesses. However, in the overall picture, the ski industry has been quite successful in recent years. This is shown in the graphic below, which compares U.S. skier-visits with average gross revenue and average gross profits (Data Source: National Ski Areas Association, Economic Analysis of United States Ski Areas, 1996/97):



Mountain resorts have substantially increased revenue (and profits) during a period of flat skier-visits by substantially broadening the scope of their activities. The Average Gross Revenue and the Average Operating Profit for North American Ski Areas have increased by roughly a factor of three during the period shown in the graphic. While the media recently has made it clear that the American Skiing Company has had some financial difficulties, there is no evidence that the Sunday River resort alone has not been successful. Similarly, the Sugarloaf resort had financial problems during the 1980s. However, the resort’s business volume (in terms of skier-visits) has increased dramatically since then.

The commentator also notes that “the Rangeley area is doing well.” As of the most recent Labor Market Area (LMA) report, the unemployment rate was reported to be 6.5 percent for the Farmington LMA (in which Rangeley is located). The unemployment rate of all of Maine was 3.8 percent. (Source: Maine Department of Labor, *Labor Market Digest*, data for August 1999.)

Comment #1856: “(T)he EA predicts (page 4-13) that under alternative 1, in the long term ski area employment would increase by 168 FTE (table 4.1.10), while the annual ski area income would increase by \$0.61 million (table 4.1.11). This \$0.61 million will of course go to many different things: supplies, equipment, wages, utilities, taxes, profit, interest, etc. To form an



upper bound on wages, however, let us suppose that *all* of this income goes to the wages of the 168 FTE employees. Then the average annual wage would be:

$$\$0.61 \text{ million}/168 = \$7,380. \quad (\text{maximum average annual wage})$$

But of course *not* all of the income will go into wages. Currently 30% of Saddleback Ski Area's income goes to wages (EA, page 3-45). If this ratio continues to hold after expansion, then the average annual wage of the 168 FTE employees would be:

$$\$7,380 \times 0.03 = \$2,210. \quad (\text{likely average annual wage})$$

A similar analysis can be carried out for each of the four alternatives, giving the results below.

Alternative	data on EA page	increase in income	increase in employment	maximum avg. annual wage	likely avg. minimum wage
1	4-13	\$0.61 M	168	\$7,380	\$2,210
2	4-29	\$3.46 M	469	\$7,380	\$2,210
3	4-48, 49	\$6.03 M	605	\$9,970	\$2,990
4	4-64, 65	\$5.36 M	526	\$10,200	\$3,060

The conclusion cannot be escaped: expansion of Saddleback Ski Area under any of the alternatives would create hundreds of sub-poverty level jobs.”

Response to Comment #1856: The comment regarding ski area worker wages points out that the ski area employment estimates and the skier-visit projections reported in the Environmental Assessment were developed on two different bases. The ski area employment estimates are based on the number of Full-Time-Equivalent jobs that would be generated by a *typical* ski area of the size/capacities shown for each of the Alternatives. However, the skier-visit projections are based on Sno.engineering's analyses of the likely market responses to ski areas as outlined in the alternatives, given the constraints of location, access, competition, lack of infrastructure, and lack of on-site resort features. The analyses indicated that these constraints would pose some limitations for attracting skier-visits and that, under the defined alternatives, ski area utilization would be relatively low.

The skier-visit projections result in hypothetical ski operations that would be used at rates well below typical utilization rates. If this were to be the case, the ski area operator would almost certainly reduce employment levels to a number well below the average for a ski facility of that size/capacity. As the author of the comment is certainly aware, under minimum wage laws it would not be possible to maintain full-time employees at an annual wage of \$2,000 to \$3,000. Overall, the result would be that fewer jobs would be created. However, the annual wages would be significantly higher than those calculated in the response.

Comment #1862: “Economic comparison of Now and Alt. #3:

Now		Alt. #3
0	1. 10 year potential construction	\$ 62,210,000
\$ 24,832,990	2. 10 year skier visit expenditures	\$ 66,900,000
\$ 24,832,990	a. 10 year total potential	\$129,110,000
\$ 2,483,299	b. 10 year average \$ impact	\$ 12,911,00
32,500	3. 10 year potential skiers annually	230,000
\$ 2,483,299	4. Annual \$ impact of skier visit	\$17,574,300

Jobs Now and Alt. #3:

Now		Alt. #3
	1. Permanent potential jobs	
12	a. Saddleback Ski Area	605
17*	b. Franklin County Job benefits (*estimated)	487
38	c. Total potential permanent FTE jobs	1092
	2. Net increase of jobs in the 10 year Dev. #3	
0	a. Total construction jobs for ten years	454
0	b. Total Saddleback Ski Area jobs for 10 years	2997
0	c. Franklin County job benefit (*estimated)	2413
0	d. Total New Jobs potentially in Dev. of Alt. 3	5864

In summary, the analysis done for the Environmental Assessment has shown the tremendous economic potential of what a major expansion such as Alternative #3 would mean for the people of Rangeley and Franklin County. The impact of \$129,110,000 into the local economy and the 5,864 jobs created over the first 10 years of expansion of Alt. #3 would certainly be “light” in the economic tunnel of Franklin County. The projected permanent jobs of 1,092 and a \$17,574,300 dollar impact from 230,000 skiers versus the present 32,500 skiers, 38 fulltime jobs, and a \$2,483,299 dollar impact.”

Response to Comment #1862: The tabular data presented in this comment contain several overstatements of the potential local impact of Alternative #3:

- 1) Almost \$20 million of the construction dollars spent over the 10-year period would be dedicated to lift purchase and installation. These dollars would have minimal impact on the local economy, as they would be purchased from and installed by non-local companies. In addition, it is likely that a substantial segment of the other dollars spent for construction would flow to non-local construction firms and non-local material suppliers;
- 2) Sno.engineering is not certain how the \$17,574,300 “Annual \$ Impact of Skier Visit” was derived by the commentor, but this amount is not accurate;
- 3) It is important to note that the total 454 construction FTEs over ten years are short-term and would not last past the year in which the construction occurred;
- 4) The number of jobs shown in the tables reflect annual increases in employment and should not be added together; and
- 5) Given the above qualifications, the computation of “Total New Jobs” in the comment is overstated.

It also should be noted that Alternatives #2 and #4 both would provide similar economic benefits to Alternative #3. See the comparative discussion of social and economic impacts beginning on page 4-73 of the Environmental Assessment.

Comment #1969: “The Assessment notes that in 1996, Franklin County ranked 15<sup>th</sup> of Maine’s 16 counties in terms of total personal income. Unemployment figures are also daunting: the Assessment correctly notes that ‘Franklin County’s unemployment rate has been higher than Maine’s or the Nation’s as a whole.’ Unemployment figures for Rangeley exceed both the county and state averages. Below is a comparison of key estimates for the potential economic impact of Alternatives 2 and 3 provided in the Assessment.

Saddleback Ski Area Construction Activity (Cumulative for Phase-In Period)

	<u>Alt. 2</u>	<u>Alt. 3</u>	<u>Diff.</u>
Saddleback Construction Spending (\$M)	\$42.77	\$62.21	45%
Total Construction Jobs Created (Full-Time Equivalents)	309	454	47%
Personal Income Created by Saddleback Construction (\$M)	\$8.77	\$12.88	47%

Area Employment, Personal Income, and Visitor Expenditures (Annual at End of Phase-In)

	<u>Alt. 2</u>	<u>Alt. 3</u>	<u>Diff.</u>
Additional Saddleback Employment (Full-Time Equivalents)	469	605	29%
Additional Mountain Employment* (Full-Time Equivalents)	279	487	75%
Personal Income Rel. to Off-Mtn.* Employment (\$M)	\$3.41	\$5.94	74%
Visitor Expenditure Totals, Saddleback & Franklin Co. (\$M)	\$38.27	\$66.90	75%

\*Defined in the Assessment as ‘secondary, indirect and induced’ employment.

It does not appear that any costs for such purposes as building additional primary and second homes are included in the construction estimates above – the construction estimates are strictly for ski lift and trail construction, and base area activities defined as “base area buildings and facilities oriented toward skier services.” It is unclear whether primary/secondary home construction activity is included in the second set of figures. If not, employment and personal income figures would be larger than the estimates provided.

It also does not appear that any Additional Personal Income estimates are provided that relate to the estimated additional employment at Saddleback itself. The two sets of Additional Personal Income estimates that were provided relate specifically to additional Saddleback construction activity, and to off-mountain employment (described in the Assessment as ‘secondary, indirect, and induced’ employment). Job creation at Saddleback itself would certainly increase personal income in the area.

Appendix D of the Assessment explains the methodology used to assess the socioeconomic impacts of the various alternatives. Within Appendix D, a parenthetical reference is made to a 20% reduction that was made to all estimated expenditures outside the resort to reflect ‘...skier expenditures that are likely to take place outside of Franklin County.’ There is no information

provided to explain the basis for the reduction, however, it does result in an understatement of the potential benefits of alternative 3.”

Response to Comment #1969: The Environmental Assessment does not specifically include costs for such purposes as building additional primary and second homes because Saddleback Ski Area’s operator did not make available any plans for the construction of such housing. As such, there were no plans available for analysis. However, it should be noted that the analysis of indirect and induced impacts does assume that some additional activity in the construction industry – including home building – would occur in the region.

The additional personal income that would be generated by the alternatives is fully reflected in the analyses of induced impacts (see pages 4-14, 4-29, 4-49, and 4-65 of the EA). These “induced impacts” reflect the additional economic activity that would occur in the region as a result of the additional personal income that would be generated by the alternatives. Personal income is reflected in additional activity at stores and services that experience higher business levels.

The 20 percent reduction for expenditures outside of Franklin County reflects a standard pattern for visitors to mountain resorts. A substantial segment of these skiers’ expenses for travel, lodging, eating and other items are made outside of the local county, both in the course of traveling to and from the ski area and because a segment of this market may choose to lodge, eat, or shop outside of the immediate area of the resort. The 20 percent reduction in Franklin County does not result in an understatement of the benefits of any of the Alternatives. This portion of the benefits will simply accrue to other counties in the region.

Comment #1988: “Increases in jobs and taxes are based on an unsupported assumption that investors want to build a resort that will take market share away from two established resorts: Sugarloaf and Sunday River. The reality is that the owner of these two resorts, American Ski Company, is struggling to maintain their viability. The EA fails to ask the obvious question of what will attract such investors in Saddleback Ski Area, when the American Ski Company stock has fallen from \$18 to \$5 per share in the last year.”

Response to Comment #1988: If Saddleback Ski Area were to expand, it may or may not take market share from Sunday River and Sugarloaf. This would depend on the attractiveness of the expanded ski area to consumers and the success of the resort’s marketing programs.

Comment #1989: “About 60 restaurant and resort companies around the state are struggling to attract applicants, according to Vaughn LeBlanc, an immigration services specialist with the Department of Labor. Sunday River has sought foreign labor for three years and has returned with more applications each time, resort spokesman Ryan Triffitt said. ‘The economy’s too good. People are finding permanent work,’ he said.”

Response to Comment #1989: The commentor infers that the labor shortage in Maine would make it difficult to find employees for an expanded resort at Saddleback Ski Area. However, as noted on page 3-34 of the Environmental Assessment, the unemployment rate in the Rangeley

area is above average for the state. As such, the shortage of labor appears to be less severe in the region.

Comment #2066: “One area of interest and of note certainly had sufficient data to raise genuine concerns regarding the degree of expansion most appropriate for the ski area with assurances that it will be financially viable. How big a ski area is realistic as a financial investment? How much of an income from skiers is realistic and how many will actually come? What will the costs be for infrastructure, facilities and resources? To think that Saddleback can successfully compete with the bigger areas at best appears to be highly questionable.”

Response to Comment #2066: As noted in the responses to other comments, Sno.engineering did not complete an investment analysis as part of its work on the Environmental Assessment. The revenue that would be generated by skiers is shown for each alternative in the Environmental Assessment, as are projections of how many skier-visits will occur. The estimated construction costs of resort-based facilities (lifts, trails, buildings) also are shown for each alternative. (See pages 4-12 to 4-14, 4-28 to 4-30, 4-47 to 4-49, and 4-63 to 4-65 of the Environmental Assessment.) Sno.engineering’s estimates of Saddleback’s potential for success in the competitive ski market are reflected in the estimated skier-visit figures for each of the alternatives. The skier-visit estimates result in utilization rates that are relatively low for the industry (ranging from 9 percent for Alternative #1 to 14 percent for Alternative #4) and reflect the constraints posed by: 1) Saddleback’s remote location and poor access to markets; 2) the lack of complete resort development activity contemplated as part of the development scenarios; 3) the lack of bed-based development contemplated as part of the development scenarios and; 4) the lack of currently available local support infrastructure to support a major ski resort.

Comment #2145: “If these assumptions are true: namely that Saddleback can not utilize even the capacity that has been approved: *How can we arrive at valid figures* regarding what the future skiing potential at Saddleback will be? Reality forces us instead to note that Saddleback has *not even* maintained its position within Maine where it has dropped from a position of having 8% of the skier usage to 3%. This is a significant drop.

The second home buyer, the condominium user either at ski resorts or outside, the yuppie moving to the wilderness has a different set of values from many who have worked and lived in a rural area often for generations. One of the next clashes will come as the battle rages over what is enough land for a homesite or lakeside cottage. The average rural Maine resident will see many more posted signs going up limiting those places he/she can hunt and fish. It is at these levels that the environmental impact of a Saddleback buildout would show up and should really be addressed more in an EIS.”

Response to Comment #2145: The skier-visit projections reflect Sno.engineering’s estimates of the skiing potential at Saddleback, based on the expansion plans defined by the alternatives and the market factors that Sno.engineering believes are relevant.

Regarding the issue of potential conflict between migrants and locals in the Rangeley area, it should be noted that this issue has been experienced *many* times throughout New England, both in mountain resort and non-resort communities. While there is inevitably some discord, the experience is that these issues are worked out and that communities continue to operate without great socioeconomic conflict. There is no evidence that the experience in Rangeley would differ greatly from that in other communities.

Comment #2181: “Saddleback Ski Area and its prospects are key to resolving this matter. It is a small, remote area, used mostly for day skiing by relatively nearby residents, day skiers coming over from Sugarloaf and the occupants of the few condos and houses on the mountain. Most winter weekends there is no other place for a skiing family to stay, even if they wanted to. The bed capacity in Rangeley, a summer resort, has become winter home to snowmobilers. It is hard to reach. The nearest air carrier airport is probably Augusta, with commuter service only. By road it is two hours from Augusta or the Maine Turnpike at Auburn over roads that might delicately be described as ‘indifferent.’ So it has limited prospects for expanded weekend use, no matter how grand the facilities become. Skiers will pass it up in favor of areas with pleasant nearby accommodations and easy access.

Sugarloaf suffers from the same remoteness problem, but has a 30-year head start on Saddleback in solving the problems of lift and snowmaking capacity, an extensive trail system, bed capacity, and off-mountain activities. It has built a substantial base of home and condo owners, few of whom will sell out and move to Saddleback. While curiosity over new lifts and trails will draw some confirmed Sugarloaf skiers to Saddleback for the day, they are not going to abandon Sugarloaf for less of a mountain. Saddleback will not be much of a competitor ‘on-mountain’ for Sugarloaf without the development implicit in Alternative #3; and without massive construction, and sale, of homes, condos, and other accommodations, Saddleback cannot begin to pay for such a development.

In the 1980s such a development seemed both possible and likely. New England real estate was booming; skiing was doing well; other areas were expanding as well. Saddleback purchased some 12,000 (or 15,000; the numbers they have used vary) acres on Saddleback, The Horn, Potato Nubble, and other outcroppings. In the tiny base lodge they displayed conceptual maps of a development much like that in Alternative Three. But they missed the magic moment. The New England real-estate boom collapsed. The number of skiers stayed flat. Actually, it fell; only the huge increase in snowboarders kept the total level. A national recession limited discretionary income for weekend skiing and purchase of ski houses. Money to finance such a development dried up. *Massive development of Saddleback has become a myth.*

The destination resort segment of the ski industry has moved elsewhere – to the Western US and Canada. With airline deregulation, plane tickets to Denver or Salt Lake City from Washington, Boston, and New York cost little more than tickets to Augusta – indeed they are usually a little cheaper. The Western areas are huge, the snow reliable, and the resort base of both beds and other activities is fully developed. So skiers are taking their vacations there, not in cold, remote New England areas like Saddleback. Similarly, the business side of the industry is consolidating, with four large holding companies dominating. Only one of them,

American Skiing Corporation, has holdings in the Eastern US, and it is having financial problems due to over-expansion and a poor snow year in 1999. It is the logical purchaser and developer of Saddleback, if anyone were to develop it, save for its financial problems and the fact that it already owns the competing resort of Sugarloaf.

There remains a place for Saddleback, but as an improved version of what it is – a low cost day area for skiers within driving distance. Since that area is mostly Maine, the available population of Saddleback skiers is small and the financial situation of its members is well below national averages.

These facts are obviously well known and probably painful, to the owners of Saddleback. The only expansion that Saddleback has ever submitted to LURC for regulatory approval was modest – 3 lifts, two of them (Sundance and Upper Advanced) within the existing ‘footprint’ of the area, and some trails. None have ever been built.”

“...Page 3-39 – Rangeley is ‘accessible by several state roads and is within 20 miles of a number of employment centers, including Rumford, Mexico, Farmington, and Bethel.’ According to our Rand-McNally road map, not to mention our driving experience, it is 43 miles to Rumford, 42 miles to Mexico, 41 miles to Farmington, and 66 miles to Bethel. While the roads may be ‘state roads,’ some of them are in poor shape. All are subject to the local phenomenon known as ‘winter.’ No doubt people are commuting from Rangeley to each of these communities, even Bethel, but it is a hardship, not a certification of practicality. Rangeley is ‘remote’ from employment centers; even by Maine standards. Creating seasonal employment there may not be much of a contribution to the local economy, however, since there are few jobs there other than during the summer/early fall tourist season. Seasonal employees could expect extended unemployment during the spring and fall, either limiting their ability to support themselves or costing the state in unemployment benefits.”

“[Page] 4-73 – Annual skier visits table. Nowhere does the EA consider whether the increased number of annual skier visits predicted in this table would justify spending the money required to attract them. The data are there to do so. Earlier in section 4 the construction costs, exclusive of financing, are given as \$18.88 million for alternative 1 (53,000 annual skier visits); \$42.77 million for Alternative 2 (146,000 skiers), \$62.21 million for alternative 3 (230,000 skiers), and \$50 million for alternative 4 (208,000 skiers). None of the costs, of course, include lodging for thousands of bodies, both worker housing (a major problem in all ski areas) and grander quarters for skiers. Would those skier numbers pay operating costs, financing costs, and return a reasonable profit?” [These concerns also were raised in Comments #1551 and #2904.]

Response to Comment #2181: Saddleback’s market-related limitations, including: 1) remote location and poor access to markets; 2) lack of complete resort development activity contemplated as part of the development scenarios; 3) lack of bed-based development contemplated as part of the development scenarios and; 4) lack of currently available local support infrastructure to support a major ski resort have been factored into the analysis of the alternatives and possible market responses in the Environmental Assessment.

As noted in Appendix D of the Environmental Assessment and the response to Comment #0406, seasonal jobs are not typically taken by persons who move to a community for that purpose. Rather, seasonal jobs are filled by existing community members seeking a second job and extra income, local teenagers seeking some income, and others who may move to the area only for the ski season. The authors of this comment note that there are few jobs in Rangeley other than those “during the summer/early fall tourist season.” It would appear that the provision of seasonal jobs during the winter would offer an excellent complement to this existing job base.

Sno.engineering did not complete an investment analysis as part of its work on the Environmental Assessment. Conducting an investment analysis is beyond the scope of the EA. Normally, a prospective investor would conduct an investment analysis before investing in a company. A socioeconomic analysis, while using much of the same data, is completed to identify the impacts of a specific action.

Comment #3012: “...(T)he less amount of land the National Government takes from us the better because once you take all that land it’s off the tax rolls and the individual plantations will suffer because the only way they have to raise revenue is through taxes on those lands. And once they’re out of the private sector and into the public sector, Rangeley plantation and Madrid will lose tax dollars...”

Response to Comment #3012: While the property transferred to the National Park Service (NPS) would be removed from the tax rolls, local jurisdictions would receive Payment in Lieu of Taxes (PILT) funds from the Federal Government that would compensate local governments for lost tax revenues. [This concern also was raised in Comments #3062 and #5107.]

Comment #3062: “The Appalachian Trail hikers average what, 1,000 or 2,000 people a year hiking at that section of the trail?... And there’s a potential of 30 or 40,000 people that would go to this ski area in the wintertime. Now, the people up there live on tourism, more or less. They’ve been run out of the woods pretty much and they don’t have that much else. How can you put one or 2,000 people ahead of 30,000 or 40,000 people for recreation and hundreds of families in that area that’s trying to raise kids, send them to school, send them to college, and feed them?” [This concern also was raised in Comments #2148, #3030, and #3065.]

Response to Comment #3062: The issue is not a matter of providing for expansion of the ski area and jobs *or* protecting the Appalachian Trail and the environment. It is a question of what constitutes the right balance. All of the alternatives provide the opportunity for significant expansion of the ski area (between four and eleven times its current capacity) while providing varying degrees of protection for the Appalachian Trail.

Comment #3085: “The growth of the Maine ski industry is offering many, many more jobs, many professional jobs, and the ability for families to provide in a part of Maine that is in desperate need of jobs, and think of it, we’re in desperate need of jobs in the wintertime. The Maine ski industry provides approximately 250 million dollars of economic impact to the State of Maine during the season which is most difficult in the inland regions of Maine.”



Response to Comment #3085: The commentor indicates that ‘the Maine ski industry provides approximately \$250 million dollars of economic impact to the State of Maine during the season.’ Sno.engineering concurs. A paper entitled the *Economic Impact of the Ski Industry in Maine* reports that the ‘total economic impact of the ski industry on the State of Maine during the 1996-97 ski season are estimated to be \$250,307,000.’ (Excerpted from Maine Business Online – [www.mainebusiness.com/tourism](http://www.mainebusiness.com/tourism).)

Comment #4735: “Recent Library Study data shows our retirees (many of whom are ‘Snowbirds’) are people of means but 73.1% of our population is in the low to moderate income level. The fact that parents are struggling, taking on multiple jobs to provide food for the table becomes apparent when the same Library Study shows 50% of all our school students receive a ‘reduced cost’ or ‘free lunch.’”

Response to Comment #4735: The primary indicators of social and economic conditions in the Rangeley region are discussed in Chapter 3 of the EA.

#### Substantive Comments Concerning Consistency with Planning

Comment #1192: “It has been suggested that Saddleback cannot be compared to other ski areas where the trail passes along structures, lift terminals, and ski trails. In my view, it is unfair to hold Saddleback to unparalleled standards. It would be more appropriate and fair to work with the 660-acre proposal put forth by the owners of Saddleback, which would exceed the standards at other ski areas along the trail.” [This concern also was raised in Comments #1830, #1858, #3044, #3058, and #3084.]

Response to Comment #1192: The Appalachian Trail passes near or through a number of other ski areas in its traverse of the Appalachian Mountains. In terms of remoteness, scenery, and natural resources, Saddleback Mountain far outweighs the other areas. The most comparable situation is the Coolidge Range in Vermont, where the Appalachian Trail traverses the ridgeline adjacent to the Killington/Pico ski area. In 1996, the National Park Service acquired approximately 2,000 acres of land in fee and an easement across an additional 2,600 acres as part of a negotiated agreement that ultimately protected more than 8,000 acres of land along a 9.15-mile stretch of the Appalachian Trail. None of the other areas – Bromley, Dartmouth Skiway, Blue Mountain, or Wildcat Mountain – contain the extraordinary natural or scenic values that are present at Saddleback Mountain. The National Park Service is not trying to hold Saddleback Ski Area to a higher standard: it is trying to ensure that one of the premier experiences of the entire Appalachian National Scenic Trail is adequately protected.

Comment #1240: “...the State of Maine through LURC has already protected the top of the mountain with zoning laws. No one can build on or destroy the mountaintop even if the Park Service walks away from Saddleback.” [This concern also was raised in Comments #2128 and #5499.]

Response to Comment #1240: LURC’s responsibilities are discussed on pages 3-48 to 3-53 in the Environmental Assessment. Though Maine Land Use Regulation Commission regulations do afford some degree of protection for Saddleback Mountain’s scenic, recreational, and

natural resources, LURC regulations also provide for development. Further, zoning is temporary, not permanent. The National Park Service's mandate is to provide permanent protection for the Appalachian National Scenic Trail and its scenic, natural, and cultural features, consistent with the National Trails System Act.

Comment #1498: "Who has priority? Is it the backpacker who has a spiritual experience walking over a trail? Is it the landowner, who has accumulated savings, bought the trail land, and is responsible for the land's care and the payment of property taxes? Do we want people to save, invest, and create jobs for Maine's young people or do we want to punish landowners and encourage them to take their money to Florida and just take care of themselves? If the landowner wants to make a change on their land and the passerby objects to seeing it off in the distance, how do we balance the competing desires? We should continue the tradition of cooperation."

Response to Comment #1498: This comment highlights the crux of the issue. The answer, hopefully, is both. It is the National Park Service's intention to seek a balance, consistent with its legal mandate under the National Trails System Act, that appropriately protects the Appalachian Trail and the recreational experience that it provides as well as ensure that the private landowner has adequate opportunities to operate and expand Saddleback Ski Area.

Comment #1807: "On the whole, LURC documents and previous decisions support careful and thoughtful protection of the A.T. and other sensitive resources across Saddleback Mountain. Moreover, LURC direction is consistent with protection of the Trail contemplated under alternatives 1 and 2.

- 1) Eddy Pond Protection Zone – LURC has established a one-half-mile buffer zone around Eddy Pond. Alternative 3 envisions manipulation of the pond for snowmaking, construction of an improved road along the northeast shore, and other activities nearby – all of which are projected to occur within LURC's P-RR zone around the pond.
- 2) Recreation Protection Subdistrict (P-RR) Around the A.T. – LURC established a 250-foot wide protection zone around the A.T. 'to provide *protection from development and intensive recreational uses* to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities.'
- 3) Mountain Area Protection Subdistrict (P-MA) – In addition to the aforementioned ski trail crossings of the A.T., Alternative 3 would allow ski facilities close to the Trail and near or within fragile, high-elevation areas. Our experience suggests a strong likelihood that LURC would find that such development would harm the 'natural and recreational values of the area' and therefore would not be permitted.
- 4) Visual Impact on the A.T. – The Mountain Areas Protection Subdistrict also articulates a particular concern with impacts of ski development within A.T. viewsheds. LURC's 1994 decision on Saddleback ski area's 'planned development subdistrict' application established a standard of 'no undue adverse impacts' on the visual resources of the Appalachian Trail."

Response to Comment #1807: Maine Land Use Regulation Commission subdistrict zones and recent decisions regarding Saddleback Mountain have indicated that the Commission recognizes the scenic and primitive recreational values of the Appalachian Trail and Eddy

Pond. However, as noted in comments submitted by the Maine Land Use Regulation Commission (see Comment #1808 below), LURC staff ‘cannot anticipate in advance the actions of the Commission.’”

Comment #1808: “Staff cannot anticipate in advance the actions of the Commission. LURC’s comments pertain only to those portions of the assessment which describe the Commission’s permitting actions or requirements and provisions of the *Comprehensive Land Use Plan*:

- 1) Page 3-48: Eddy Pond is also Management Class 6, which is the basis for the ½-mile P-RR around it.
- 2) Page 3-50: The 3rd paragraph on this page, last sentence, states, ‘Intensive recreational development, such as alpine ski lifts and trails, would be considered a prohibited use within this subdistrict.’ This conclusion is made while pointing out earlier in the paragraph that the P-RR is intended to protect the trail from ‘development and intensive recreational uses’ (quoting from the P-RR Purpose) and in the last paragraph on the page that the 1997 CLUP [Comprehensive Land Use Plan] considers alpine ski areas to be ‘the jurisdiction’s most intensive recreational facilities’... While the language in the CLUP and P-RR Subdistrict combined with the D-PD language regarding substantially equivalent levels of protection might lead to the conclusion that such activities would be prohibited, it is not a foregone conclusion. While the burden of proof placed on the applicant is substantial, it is still subject to consideration by the Commission.

Also, the 4th paragraph states that hiking is considered compatible with the character of mountain areas and their use, implying without regulation, but trails do require permits in P-MAs. This isn’t clear as written.”

Response to Comment #1808: Eddy Pond’s designation as a Management Class 6 Lake is noted on pages 3-25 and 3-50 in the Environmental Assessment. We appreciate the clarification regarding this designation being the basis for the ½ mile protective zoning subdistrict that surrounds it. We also appreciate the clarification regarding LURC’s regulations for review of intensive recreational activities in P-RR subdistricts. It was our understanding that an applicant proposing an intensive recreational facility in a P-RR subdistrict would have to apply for an actual change to a development subdistrict category (such as D-PD).

Comment #1830: “The Park Service stated that Saddleback’s use of Eddy Pond (needed only in the winter for storage of snowmaking water) would not be allowed by Maine’s zoning of this area as P-RR. The Park Service failed to disclose that Saddleback currently uses Rock Pond (also zoned P-RR) as a snowmaking reservoir for the current ski area. It is an allowed use and the NPS statement is yet another misrepresentation.”

Response to Comment #1830: See Comment #1808 above. Saddleback Ski Area’s use of Eddy Pond for snowmaking would require a special exception or a change in zoning. As LURC indicates in its comments, “(w)hile the burden of proof placed on the applicant is substantial, it is still subject to consideration by the Commission.”

Comment #1831: “However, just because LURC currently would be unlikely to approve development on the scale fantasized by the current owners of Saddleback is not in itself a reason for complacency. Nothing prevents a future board, or a future Legislature from changing laws or regulations.” [This concern also was raised in Comment #1807.]

Response to Comment #1831: Although the Maine Land Use Regulation Commission has consistently recognized the scenic and primitive recreational values of the Appalachian Trail and Eddy Pond, planning and zoning regulations are subject to change. The National Park Service’s mandate is to ensure permanent protection for the Trail.

Comment #2144: “To emphasize the wide-ranging attitude from diverse sources of protecting natural resources, the Appalachian Trail is certainly included in the generic definition of a natural resource as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). CERCLA defines natural resources broadly to include land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources. This is a resource belonging to, maintained by, held in trust by, appertaining to, or otherwise controlled by the United States, any State, an Indian Tribe, a local government, or foreign government.”

Response to Comment #2144: CERCLA applies to physical resources, including wildlife, water, and fisheries that are owned and administered by federal, state, or local governmental entities. Views from federal lands and damages that may arise as a result of development within those views are not covered by CERCLA.

Comment #2181: “There is also a regulatory problem: to expand beyond the limited plan approved by LURC would require rezoning land from ‘Protected Mountain Area’ to ‘Planned Development,’ or Saddleback would have to obtain a ‘special exception.’ The conditions for the latter might make development of ski lifts above 2,700 feet impossible. The portion of the property in the town of Madrid would also have to be rezoned to allow development. These rezonings would engender intense opposition, including litigation if they were approved. The requirement to secure them significantly diminishes the value of the property for ski development.”

Response to Comment #2181: Saddleback Ski Area would have to petition LURC, and possibly the Town of Madrid and the Maine Department of Environmental Protection, for a rezoning of the lands that they propose to use for ski-area expansion. The degree of opposition in large part would be determined by perceptions regarding the extent of the proposal’s impacts on the natural, scenic, recreational, and other resources of Saddleback Mountain, but this would not necessarily affect the value of the property for ski development.

Comment #2956: “The Rangeley Heritage Trust, which is supported by local and seasonal residents in the Rangeley area, has preserved thousands of acres around the Saddleback area. The ability of an organization such as the RLHT to preserve land is directly related to the economic viability of the area. By not allowing Saddleback the ability to expand you are directly limiting the economic health of the region. Which could very well limit the RLHT’s ability to preserve more lands in the area.”

Response to Comment #2956: We support and applaud the efforts of the Rangeley Lakes Heritage Trust and other organizations that seek to preserve lands in the region in their natural state. However, we do not see a direct connection between expansion of Saddleback Ski Area and protection of lands in the Rangeley region. More importantly, the issue is not a question of whether or not Saddleback Ski Area could expand, but a question of degree. Under all of the alternatives, Saddleback Ski Area could expand significantly. Under Alternative # 1, Saddleback could expand to almost 400 percent of its current capacity; under Alternative #2, to almost 900 percent; under Alternative 3, to approximately 1,100 percent; and under Alternative #4, approximately 1,000 percent. None of these alternatives would appear to have the effect of limiting the ability of the Rangeley Lakes Heritage Trust or other conservation organizations to preserve lands in the area.

#### Substantive Comments and Responses Concerning Negotiations and Alternatives

Comment #0525: “In 1968, Congress passed the National Trails System Act ‘in order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open air, outdoor areas, and historic resources of the Nation.’ The Act also provided for state and Federal land acquisition to establish a permanent right-of-way and protective corridor along the full length of the Appalachian National Scenic Trail. It goes on to say that the Secretary of the Interior is authorized to use condemnation proceedings to acquire land or interests therein only in cases where, in his judgement, all reasonable efforts to acquire the interests through negotiations have failed. In my mind, all reasonable efforts have failed. Whatever legal steps are necessary must be taken to protect this one-of-a-kind mountain and the viewshed that it affords the one-of-a-kind Appalachian National Scenic Trail.” [This concern also was raised in Comment #1160 and #1924.]

Response to Comment #0525: Section 7(g) of the National Trails System Act does provide that “...The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed...” At this time, such a determination has not been made. The NPS strongly prefers to acquire the interests necessary to protect the Appalachian Trail through negotiations, and has done so in nearly 90% of the cases.

Comment #0598: “The offer by of Saddleback Ski Area to ‘donate’ 660 acres for the Appalachian Trail protection program, which has been embraced by the Maine Congressional delegation, is the ultimate attempt to deceive the American public. First of all, it is not a donation, but merely an offer to grant a limited ‘right of passage’ along the already existing Appalachian Trail. The ski area wants to retain the right to cross the AT with two new ski trails of up to 200 feet in width, to withdraw water from the pristine Eddy Pond for snowmaking and to construct five new ski-lift terminals and trails within 200 feet of the Trail. They do not mention the tax benefit they would inevitably claim for the donation. This would be akin to you or me donating our homes to our church/synagogue, taking a tax benefit, and continuing to

occupy the property.” [This concern also was raised in Comments #0536, #1807, #2160, and #2181.]

Response to Comment #0598: The proposed donation of an interest in 660 acres does contain a number of reservations that, if exercised, would change the character of the Trail experience on Saddleback Mountain. The effects of these reserved rights are discussed at length in the Environmental Assessment (see pages 2-7 to 2-9, and 4-31 to 4-51 of the EA.)

Comment #1256: “I have read the offer by Saddleback, and I could not help but notice in their offer that – and I quote – ‘Ski facilities (such as trails, lifts, buildings, etc.) will take precedence over hiker views.’ Now correct me if I am wrong, but doesn’t that mean they will keep the right to cross the Trail, thereby destroying the hiking experience?” [This concern also was raised in Comment #1482.]

Response to Comment #1256: Under Saddleback Ski Area’s proposal, the ski area would retain extensive development rights (including rights to cross the Appalachian Trail with two ski trails) that, if exercised, would have substantial effects on the hiking experience on the Appalachian Trail across Saddleback Mountain. As noted in this comment, Saddleback Ski Area’s donation offer includes the following clause:

(T)o the extent reasonably feasible, ski facilities, structures, and buildings shall be located in such a way as to minimize their visibility from the Appalachian Trail. When not reasonably feasible, it is acknowledged by both parties that they may be visible therefrom. In cases of conflict, it is expressly acknowledged by both parties that skiing facilities (such as trails, lifts, buildings, etc.) shall take precedence over hiker views and the grantor need not have to incur extra cost for hiker viewsheds.

Comment #1446: “This action by the Park Service to force the Breen family to donate land is an unwarranted intrusion on their rights as property owners. This family should be allowed to move forward with their plans to expand their business. My feelings on the government forcing this family to give them land is that it is totally unacceptable. In my opinion, there are no circumstances that warrant this type of governmental control on a private landowner. As I understand it the Appalachian Trail system has existed on top of the mountain for many years. It is unfortunate that whoever the owner was that gave permission to build the trail is not here to speak. Who could have ever envisioned the mess that has been created by the simple act of giving permission to build a trail on your land? Who could have envisioned the federal government forcing a landowner to give land away and restricting their use?” [This concern also was raised in Comment #3075 and #4859.]

Response to Comment #1446: The United States cannot and would not ever force someone to donate their land. The rights of private individuals are protected by the Constitution, which guarantees that private property may not be taken by the government except for public purposes as deemed necessary and appropriate through legislation. More importantly, when such a decision is made, the government is required by law to pay full just compensation to the citizen whose property is needed for a public purpose. The proposed “donation” is a proposal by

Saddleback Ski Area that would not donate land, but a “passageway” subject to numerous reserved rights and conditions.

Comment #1494 (1): “The Trail’s current route on Saddleback Mountain was completed in 1937. The Park Service’s acquisition program was undertaken at Congress’ direction 41 years later in 1978. The previous owners, Georgia Pacific, and the Maine Appalachian Trail Club discussed the protection of the Trail over a period of seven years before the current owners purchased the ski area in 1984. The purchasers must have known of the existence of the Trail and the Park Service’s acquisition program at that time.” [This concern also was raised in Comment #1482 and #1924.]

Response to Comment #1494 (1): The Appalachian Trail was first located on Saddleback Mountain in 1935. The official route of the Appalachian National Scenic Trail was documented in a set of maps published in the *Federal Register* on October 9, 1971. In addition, many maps, surveys, and other documents of record exist that show the location of the Appalachian Trail on Saddleback Mountain. The owner also leased the ski area for several years prior to purchasing the lands, and was well aware of the existence and location of the Appalachian National Scenic Trail across the mountain at the time he acquired the property.

Comment #1494 (2): “The Maine Land Use Regulation Commission’s (LURC) decisions issuing conditional approval to Saddleback Ski Area’s proposed development plan in 1989 and 1994 were consistent with the full protection of the Trail. The fact that Saddleback Ski Area agreed to almost all of the 1987 preferred alternative and then balked at the independent appraiser’s value suggests that price, not ski area development, is their concern.”

Response to Comment #1494 (2): The lifts and ski trails approved by the Maine Land Use Regulation Commission in 1989 and 1994 were excluded from the 1987 NPS preferred alternative, even though they had not yet been constructed. The owners of Saddleback Mountain, at one time, indicated that they were willing to convey the vast majority of the 1987 preferred alternative; however, those negotiations broke down over the value of the lands in question.

Comment #1807: “The discussion on pages 1-5 and 1-6 of the environmental assessment summarizes the history of negotiations between the National Park Service and the property owner(s). While this summary may describe the most important milestones in those negotiations, it falls short of providing the reader with a full appreciation of the extent to which the NPS has sought to achieve an equitable settlement with the current owner, Mr. Breen. Some two dozen meetings have taken place between NPS representatives and the owner or his agents since 1985. In addition, numerous written and telephone exchanges have occurred. The Park Service has contracted for the preparation of two independent appraisals and extended two offers to purchase interests in the property at fair-market value. Both of those offers arose out of discussions with the owner as well as others in the conservation community and in the Rangeley community. The NPS participated in the 1987/88 Land Use Regulation Commission (LURC) review process and did not oppose ski-area expansion by the owner, despite the fact that at least two of the ski-lift terminals may be quite close to the Appalachian Trail. The NPS also has twice sought substantial public involvement in the selection of a suitable conservation

corridor for the Trail, first through the 1987 environmental assessment and now through the current EA. In short, a more complete discussion of the history of negotiations should leave little doubt in the mind of any reasonable reader that the National Park Service has negotiated in good faith and has given substantial consideration to issues related not only to the Appalachian Trail, but also ski-area expansion and the economic well-being of adjacent communities.”

Response to Comment #1807: The record of negotiations, regardless of who is keeping it, speaks for itself. Many meetings and communications have taken place between representatives of the National Park Service and Saddleback Ski Area in an attempt to resolve this long-standing issue. Representatives of the Appalachian Trail community and the Rangeley business community have participated in a number of these meetings as well.

Comment #1829 (1): “Saddleback’s three donation offers were not included in the Environmental Assessment made available to the public. Since 1987, Saddleback has made three donation offers to the National Park Service (NPS). Each offer, consistent with the law, is detailed below:

1. 70 Acres (25 Acres per mile): The first offer, made by certified mail, was to donate a trail corridor averaging 200 feet wide, which exceeded the legal standards set forth for the Appalachian Trail by the State of Maine. This offer was made in 1987 and was rejected on arrival, even as a starting point for negotiations. This offer was rejected despite a unanimous resolution passed by the Maine State Legislature urging the Park Service to either accept this offer or enter into serious negotiations.
2. 330 Acres (125 Acres per mile): The second offer was to donate a trail corridor averaging a little over 1,000 feet wide. This offer exceeded the maximum corridor width recommended by Congress and legally permissible for the Park Service to take by eminent domain. (This offer also vastly exceeded the corridor width recommended by the state of Maine.) This offer was made in 1996 and was rejected on arrival with no opportunity for discussion, even though it was five times the size of the previous offer that had been endorsed by the Maine State Legislature. Two years later, working in close consultation with the Rangeley Region Economic Growth Organization (RREGO) and, later in a private meeting with the Appalachian Trail Conference (ATC), Saddleback made significant alterations to this offer based upon their informed recommendations.
3. 660 Acres (Double the 125 Acre per mile requirement): The third offer was to donate a trail corridor averaging 2,000 feet wide which represented twice the maximum corridor width recommended by Congress and double the amount that is legally permissible for the Park Service to take by eminent domain.

Our question is why? If the process is to be fair, why doesn’t the public know about these many attempts by Saddleback and public officials to honor both the law and ATC/Park Service



needs in order to reach resolution? Instead, the Park Service inexplicably combined random parts of the last two offers and presented them as one alternative against their three.” [This concern also was raised in Comment #3058 and #3084.]

Response to Comment #1829 (1): In November 1987, Saddleback Ski Area’s attorney proposed in a letter that the ski area donate a parcel of land 100 feet either side of the Trail footpath, subject to conditions reserving undefined crossing rights for ski operations and the satisfactory resolution of negotiations for the remaining lands in question. The National Park Service responded to Saddleback, indicating that the proposal was unacceptable because of the conditions attached to it. The first complete donation offer submitted by Saddleback Ski Area was received by the National Park Service in January 1998. This offer consisted of a proposal to donate a limited interest in approximately 330 acres, reserving extensive development rights within the 330-acre area, including the rights to construct five ski lifts and associated ski trails within the corridor, the right to cross the Appalachian Trail with two ski trails, rights to a utility and access road corridor, and rights to use Eddy Pond for snowmaking. In April 1999, Saddleback Ski Area announced that they were revising their offer to double the amount of acreage that would be affected. However, the reserved interests remained the same – five lifts and associated ski trails within the corridor, two ski trail crossings of the Appalachian Trail, a utility and access road corridor, and rights to dam and use Eddy Pond for snowmaking. These rights are described in detail on page 2-7 of the Environmental Assessment. Saddleback Ski Area’s earlier proposal and a brief summary of its revised proposal also are discussed on page 1-6 of the EA.

Comment #1829 (2): “The National Park Service released a draft version of the Environmental Assessment to over 20 people and organizations for comment, ostensibly to correct errors. Saddleback responded with over 40 comments on factual and conceptual errors. These errors ranged from simple mistakes (the Park Service stated that the trail traversed 3.5 miles of Saddleback’s lands – in fact it is 3.1, and the EA claims Saddleback owns 11,000 acres of land where in fact it is 11,800) to more substantive errors such as the above mentioned misrepresentation of Saddleback’s donation offers to the Park Service. Not a single error was corrected.” [This concern also was raised in Comment #1830 and #3084.]

Response to Comment #1829 (2): The National Park Service incorporated all comments that were received by May 27, 1999, the date that comments on the draft were due. Comments from Saddleback and one other party were not received until well after the deadline, when the final document was being readied for printing.

The distance of the Appalachian Trail across Saddleback Ski Area property, from the property line south of Eddy Pond to the property line on The Horn) is 18,964 feet, or 3.59 miles, according to a survey conducted by the National Park Service using Global Positioning System (GPS) equipment in August 1998. Saddleback Ski Area acquired approximately 11,750 acres from Georgia Pacific, according to a survey conducted by Sackett and Brace in 1983. Some outsales from the property have occurred since that time, and the exact current acreage is unknown. Both figures (3.5 miles and 11,000 acres) were intended as estimates.

Comment #1830: “Saddleback asserts that the Park Service misrepresented and omitted important information for Saddleback’s 660-acre offer in an effort to reduce public support for Alternative #3. Saddleback, in an earlier donation offer had proposed at the suggestion of RREGO, to designate Trail crossover locations at approximately the 3,700’ elevation and to negotiate mutually agreeable future lift locations. These offers were not accepted by the Park Service and were specifically not included in our 660-acre donation offer. Nevertheless, the Park Service included them as a part of Alternative #3, apparently so that the Trail crossings could be attacked as not being practical (with significant cut and fill operations that would be difficult to justify economically and environmentally). More importantly, in the NPS discussion on ‘Impacts of Alternative #3’ there was no mention, discussion or acknowledgment of Saddleback’s mile-wide 350-acre donation around Eddy Pond to provide a primitive recreational campground for hikers. In all of the accompanying maps, this part of Saddleback’s donation (more than half of the total) was cut off. It was completely ignored, apparently in an attempt to deny the fact that Saddleback was donating more than twice the land that Congress had established as being adequate. And to deny the fact that Saddleback was making a generous offer of substantial benefit to hikers. By accepting our offer, and by slight relocations of the Trail by a few yards, almost all of Saddleback’s future development would not be visible from the Trail. For instance, by relocating the Trail off of the Horn summit, none of the Horn bowl skiing development would be seen from that peak. Saddleback offered to use less than 60 acres (out of the 660 acres donated) for skiing development. And, if that were not satisfactory to the Park Service, we offered to negotiate a donation corridor completely free of any skiing development, other than two access ski trails to and from the South bowls.” [These concerns also were raised in Comment #3058.]

Response to Comment #1830: See the response to comment #1829 above. The National Park Service made every effort to accurately represent and evaluate the impacts of Saddleback Ski Area’s proposed “granted passageway” offer submitted to the National Park Service in April 1999. The proposed donation offer contained an extensive list of reserved rights, including reservations for five lifts – “three (3) lifts in the Horn Bowl” and “one lift into each of the two South East Bowls” – within the granted passageway. Another reservation was included for “two ski trails, each less than 200 feet in width, (which) shall cross the Trail footpath and both of these two ski trails shall be located on the southeastern slope of Saddleback Mountain.” These proposed facilities were depicted at the sites of the five lifts – three in the “saddle bowl” and two on the southeast side of the mountain – and the two ski trail crossings identified earlier by Saddleback as their preferred locations for these facilities. Even if the proposed ski lifts, trails, snowmaking equipment, access road, utilities, and other facilities that Saddleback Ski Area proposes to reserve within the donated area are ultimately configured differently, the impacts would be of similar magnitude if they were constructed within the area that Saddleback proposes to donate.

Saddleback’s offer to donate a “mile-wide” passageway in the Eddy Pond area, subject to an extensive list of reserved rights, is described in the description of Alternative #3 on page 2-7, shown on the map of Alternative #3 on page 2-8, and included in the analysis of Alternative #3 in Chapter 4. The maps in Chapter 4 focus on the areas where potential impacts would occur, which is on the upper portion of the mountain.

Comment #2128: “Why was the revised offer made by Saddleback ski area, in which they agree not to have any of the ski area operation on parkland, not mentioned? Why was option 3, offered by the mountain, depicted so inaccurately?”

Response to Comment #2128: Alternative #3 was developed directly from Saddleback Ski Area’s proposal as submitted to the National Park Service in April 1999. The operative terms of that proposed donation are contained in the description of Alternative #3 on pages 2-7 and 2-9 of the Environmental Assessment.

Comment #2155: “If the seller is sincere about his desire to sell his entire property at Saddleback, the issue should be about price. If he is unwilling to accept fair market value, there are a number of possible alternatives, including mediation, out-of-court arbitration, in-court resolution, and taking the issue directly to Congress. In any case, it is inappropriate to not offer for public comment the option of acquisition of the entire property.”

Response to Comment #2155: The National Park Service has expressed its willingness to continue negotiations in any form that has the potential to result in a solution. The owner has indicated that the property is for sale, but the asking price far exceeds the value indicated by an independent appraisal of the property. The National Park Service does have the authority for whole-tract acquisition on a willing seller basis, but acquiring the entire tract is beyond what is needed to protect the Trail.

Comment #2181: “Alternative 3. This is nothing more than an easement, providing no protection to the trail at all. The landowner is retaining development rights to a mind-boggling extent. We suspect that this “proposal” is just a bluff; Saddleback has no money or plans to expand to the extent of the rights it would retain. However, it hopes by continuing the façade of expansion to convince the trail community and the NPS to back off, and perhaps to drive a harder economic bargain. This is a common part of a strategy to create severance damages. Needless to say, it is hopelessly unacceptable, and inconsistent with the authorizing statute.”

Response to Comment #2181: Alternative #3 does include an extensive list of development rights that would occur in or immediately adjacent to the trail. There is no way to tell at this time whether the current landowner or a future owner would ever expand to the full extent of the rights that Saddleback Ski Area proposes to retain, but the assumption must be made that they would.

Comment #2340: “You only give a ruin [to] the rightful owners or have it lovely for hikers. I say it is a taking if you ruin the owners and you owe them for it. If it is worth doing, it is worth paying for. If it is not worth paying for it is not worth doing. That is the question, not the one you asked.”

Response to Comment #2340: The National Park Service is required by law to offer not less than the full fair market value for any lands that it acquires, and in each instance has offered the landowner full fair market value for the interests that it has sought to acquire.

Comment #2356: “I do not favor Alternative 1, which will reduce state and private land ownerships along the trail system. There is already an excessive amount of Federal Land in the United States. State and private landowners have already demonstrated they can effectively protect and manage resources. The State of Maine and the private landowners along the trail should continue to be partners in protecting and managing the Appalachian Trail.” [This concern also was raised in Comment #2970.]

Response to Comment #2356: Approximately 1% of the land in Maine is owned by the federal government. Approximately 4.5% of the lands in Maine are administered by state and municipal agencies. The remaining 94.5% of the land in Maine is privately owned. When Congress passed the National Trails System Act, it identified the Appalachian Trail as the nation’s first national scenic trail and directed the Secretary of Interior to acquire lands to protect the trail in areas where the states had not already done so. A permanent interest in land is necessary to ensure permanent protection of the trail.

Comment #3058: “From our perspective, Alternative 1 and Alternative 2 are basically the same alternatives, primarily because Alternative 2 would deny us the access to cross the trail. So even though Alternative 1 takes 3,000 acres, Alternative 2 takes 900 acres, basically. If we’re not allowed to cross the trail to get to the rest of our land, it’s almost the same as taking that huge amount of land.”

Response to Comment #3058: The differences between Alternatives 1 and 2 are described in the Environmental Assessment.

Comment #3075: “That’s very scary to me, folks, when the National Park Service can come along and take more land than it really needs for the trail or even more than the State of Maine has recommended for the trail. That begins to get scary. And don’t think it’s just because of this family. Because once that happens, it can happen to anybody. It can happen with your house. It can happen with your car. Those are the things you have to think of. We are talking about some basic rights here of individuals, not just individuals who own land, but individuals in this country who have rights.” [This concern also was raised in Comment #3070.]

Response to Comment #3075: The rights of a private property owner are protected by the Constitution, which guarantees that the Government may not take private property except for public use, and that just compensation must be paid to any citizen whose property is acquired for a public purpose. The Secretary of Interior is charged with protecting the Appalachian Trail and the rights of private landowners.

Comment #3084: “I have some pictures here of just two different ski areas. This is Bromley. You can see a hiker walking within – the trail comes within 100 feet I think of that particular lift, but there are other ones that the trail actually goes right on the ski trail. And this is Wildcat Mountain. This is the Appalachian Trail crossing within touching distance of the gondola building. At Saddleback, what we are offering is a 400-foot distance. I want to repeat that. This is touching distance and we are saying 400 feet.”

Response to Comment #3084: The Appalachian Trail passes near or through a number of other ski areas in its traverse of the Appalachian Mountains. In terms of scenic and natural resources, Saddleback Mountain far outweighs the other areas. Neither Bromley nor Wildcat Mountain contain the extraordinary natural or scenic values that are present at Saddleback Mountain. The National Park Service is not trying to hold Saddleback Ski Area to a higher standard: it is trying to ensure that one of the premier experiences of the entire Appalachian National Scenic Trail is adequately protected.

To date, the National Park Service has not received any proposal from Saddleback Ski Area suggesting that ski area facilities would be located a minimum of 400 feet from the footpath of the Appalachian Trail.

Comment #3099: “The question of compatibility was raised. It was clearly stated that skiing was a compatible use with hiking, as was farming, as was forestry, and other types of recreation and rural land use. The sad experience of many of us is that over and over again, we are hearing now a revision and a betrayal of that promise where timber harvesting is now being defined as incompatible and other forms of recreation and now ski areas, again, breaking an original promise. And there was also a promise of respect for private property and protection of it, honoring of it, that the solutions would be found to use easements with the minimum intrusion necessary to allow the trail to pass through without infringing upon or taking people’s private property.

The people of Saddleback were generous enough and kind enough to let the Appalachian Trail go through and this is how they are repaid for that generosity. That message will not be lost on other private property owners throughout Maine, throughout New England, throughout America. If their property can be taken after a generous exercise on their part of allowing people to hike across their land, it can happen to anybody.”

Response to Comment #3099: The generosity of people who permitted the Appalachian Trail to cross their property has been acknowledged many times. The National Park Service has negotiated many agreements on a case-by-case basis that allow other uses, including forestry, farming, sugaring, grazing, and other uses, to occur adjacent to the Appalachian Trail. However, the determination in each case has always been made based on the significance of the natural, cultural, and scenic resources present at the site and the effects that the other uses might have on those resources. The question in this instance, as in other cases, is what constitutes an appropriate balance between development of the property as a commercial ski area and protection of the Appalachian Trail.

Comment #4734: “I am absolutely opposed to the Park Service using Federal Condemnation (Eminent Domain) to take against their will any part of the land owned by Saddleback. Saddleback Mountain has gone so far to settle their differences with the Park Service that they are prepared to offer the Appalachian Trail 660 acres free, twice the maximum amount directed by Congress. I believe the Park Service should accept the Ski Area’s proposal for donating 660 acres to protect the trail and save taxpayers a lot of money.” [These concerns also were raised in Comment #1829, #1830, and #2148.]

Response to Comment #4734: The National Park Service would only refer the matter to the courts if all other attempts to negotiate an agreement have failed. As noted in the Environmental Assessment and responses to other comments, Saddleback Ski Area's donation offer is not a donation of 660 acres of land. Saddleback would retain the rights to extensive ski area development both inside and outside the corridor. The effects of these development rights are described in the Environmental Assessment.

Comment #4951: "Measure #9 lists no crossings of the A.T. Most importantly this cuts off a landowner to access his land that he bought and pays taxes on."

Response to Comment #4951: On page 2-13 of the Environmental Assessment, mitigating measure #9 states that "no ski trail, ski lift, road, or utility line crossings of the Appalachian Trail, other than those specifically identified by deed reservation, should be permitted." Alternatives #1 would acquire the lands southeast of the Appalachian Trail; Alternatives #2, #3, and #4 would include a deed reservation providing access to the lands southeast of the Appalachian Trail. This access would be restricted to a timber access road under Alternatives #2 and #4; however, the landowner would be compensated for severance damages, if any were determined to exist.

Comment #5499: "During this period the landowner first refused the request and then made an offer to give 350 acres to the government. This was refused so the owner increased his offer to be 660 acres. Both of these offers had wording or conditions that the government didn't like so the proposals were never explored. At this point it seems that anyone being offered free land instead of having to pay for it would make a real effort to clean up the wording or conditions so that it was acceptable to both parties. However, it appears that the government would rather spend our money than try for a compromise."

Response to Comment #5499: Neither of the offers proposed by Saddleback Ski Area would convey actual land to protect the Trail. What has been offered by Saddleback is an interest that would allow the Trail to cross the property, but which would reserve extensive development rights immediately adjacent to and in some cases across the Appalachian Trail. The National Park Service would accept a donation if it fully met the standards for protecting this section of the Appalachian National Scenic Trail. However, the fact that a landowner has offered to donate certain interests does not in itself lessen the level of protection that is needed for the Appalachian Trail in a given area. The National Park Service agrees that further discussion of the specific terms would be useful, and remains willing to enter into substantive negotiations towards an acceptable level of protection for the Appalachian National Scenic Trail across Saddleback Mountain.

#### Substantive Comments Concerning Legal Issues

Comment #1192: "(U)sing alternative three as the beginnings for a final resolution would also ensure that the intent of the National Trails System Act (Act) is honored. The Act dictates that full consideration should be given to minimize adverse effects on adjacent landowners and that the trail should be designed to harmonize with and complement any established multiple-use

plans to ensure continued maximum benefits from the land.” [This concern also was raised in Comments #1498, #2956, and #3085.]

Response to Comment #1192: Full consideration has been given to minimizing the adverse impacts to adjacent landowners and their operations, as required by the National Trails System Act, throughout the Appalachian Trail protection program. The route of the Appalachian Trail was published in the *Federal Register* on October 9, 1971, to give Federal, State, local governmental agencies, private organizations and any landowners and land users potentially affected by the trail route location an opportunity to provide their input into the selection of the trail route. Additionally, negotiations with each affected landowner have focused on identifying an acceptable balance between existing land uses and Trail protection.

While the clause referring to harmonizing with and complementing established multiple-use plans has been generally interpreted as being a reference to managing the Trail in a way that complements established multiple-use plans within existing national forests and parks (which the Trail does), it is important to note that all four of the alternatives outlined in the Environmental Assessment would have no effect whatsoever on the existing operations of the ski area or any established plans for expansion of the ski area. In fact, all four of the alternatives provide for expansion of the ski area above and beyond any plans that have been submitted to LURC for their consideration. The four alternatives examine a range of potential future developments that have not even advanced to a conceptual stage, ranging from four times the current capacity of the ski area under Alternative #1, to nine times its capacity under Alternative #2, ten times its current capacity under Alternative #4, and eleven times the current capacity of the area under Alternative #3.

Comment #1807: “Section 7(a) of the Act states: ‘In selecting the rights-of-way (for the trail) full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation... Each segment of the (trail) shall be designed to harmonize with and complement any *established* multiple-use plans for that specific area in order to insure continued maximum benefits from the land.’ (*Emphasis added.*) It seems evident that the Congress intended that acquisition of a protective trail corridor should not create unreasonable disruption to *existing* development or land uses bordering the trail. But, to suggest that Congress also intended to preclude any impediment to *future* development or land uses defies reason. The Act directs the secretaries to acquire trail rights-of-way in order to conserve the ‘nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.’ Since the acquisition of any permanent interest in land can and often does have the effect of precluding some forms of future development or land uses, it is unreasonable to suggest that Congress intended that the secretaries not only should accommodate existing uses, but should also anticipate and accommodate any and all potential future uses (assuming the secretaries possessed the requisite ‘crystal ball’.) If that were the case, Congress would not have provided broad land-acquisition authority in the first place, nor would it have appropriated more than \$180 million in the past 20 years to acquire interests in land along the Trail.

The Act does not prescribe any limitation on the acquisition of rights-of-way from a willing seller. (Saddleback’s owner has twice offered to sell, at a price significantly greater than

appraised value, substantial interests in the property that involve far more than the 125-acre-per-mile condemnation limitation: 2,600 acres in 1991 and 1,770 acres in 1998). In instances involving eminent-domain authority, however, the Act does state that: ‘The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests in lands. Provided, that condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than *an average* of one hundred and twenty-five acres per mile.’ (*Emphasis added.*) The ‘average’ proviso was an important addition in the 1978 amendments to the trails act and was intended to grant the secretaries greater discretion in the acquisition of rights-of-way. The Park Service and the USDA Forest Service have asserted that computation of this average is not limited to an affected parcel but may be applied across a considerable distance. This interpretation has been supported in at least two federal-court rulings, including one in Maine. Numerous other federal-court rulings have upheld the discretion of the secretaries to determine the appropriate interests and boundaries to be acquired in order to carry out the purposes of the act. [For example, see U.S. v. 3,901.29 Acres of Land, No. 88-0080-B (D. Me – January 9, 1990); U.S. v. Goodin, No. 84-1296 (4<sup>th</sup> Cir. April 25, 1985); U.S. v. .07 Acres of Land, No. 88-124-L (D. N.H. June 21, 1988).]”

Response to Comment #1807: Legal issues are best debated in legal forums. The acquisition authority provided in the National Trails System Act has been tested in a number of court cases. Issues such as the amount of land, the boundaries of the land, and the interest to be acquired all have been the subject of several legal challenges. In each case, the National Park Service’s interpretation of the law has been supported by the courts, including one case in Maine that has particular relevance to the legal issues that have been raised with regard to protecting the Appalachian Trail across Saddleback Mountain. In that case (U.S. v. 3,901.29 Acres of Land), the courts ruled that the National Park Service’s interpretation of the law regarding the statutory limitation on the amount of land that could be acquired was correct.

Comment #1830: “Congress directed that maximum use be made of the land. Congress specifically denied ‘exclusive use’ of the land for AT hikers, and emphasized: (1) that the Trail should have minimum adverse effects upon adjacent landowners, (2) that the Trail should complement multi-use activity to insure continued ‘maximum benefits from the land,’ and (3) that the Trail should provide for ‘maximum outdoor recreational potential.’”

The Park Service abuses the power of eminent domain in order to disregard Congressional direction. Congress was quite specific in its direction in the National Trails System Acts with regard to maximum recreational use, minimum interference with the adjacent landowner’s operations, and that the Trail would not be permitted to deny landowner access to Trail-divided property. But, it appears that the law may not have been well drafted with regard to the power of eminent domain. Once eminent domain proceedings occur, a Federal Court has held that the Park Service no longer needs to abide by Congressional intent, and, in fact, can do exactly the opposite. Park Service personnel are abusing the power of eminent domain, and are using it in order to avoid negotiation and to avoid complying with their Congressional mandate.

The NPS ‘balloon’ acquisition alternatives are illegal and therefore cannot be considered. All of the Park Service designed Alternatives (Nos. 1, 2 & 4) take land well in excess of the



approximately 330 acres allowed by Congress under eminent domain (equal to a maximum 1000 foot-wide corridor). Since Saddleback will never agree to such excessive land takings, these Alternatives are clearly illegal and do not belong in this Environmental Assessment.” [These concerns also were raised in comments #2956, #3084, and #3098.]

Response to Comment #1830: As noted above, legal issues are more appropriately debated in legal forum where a federal judge acts as a “fact finder” and makes a decision on the legal aspects of the issue. The National Park Service has often explained its position regarding its authority to the landowner. However, for the benefit of the public, a brief explanation is provided below.

Full consideration has been given to minimizing the adverse impacts to adjacent landowners and their operations, as required by the National Trails System Act, throughout the Appalachian Trail protection program. The route of the Appalachian Trail was published in the *Federal Register* on October 9, 1971, to give Federal, State, local governmental agencies, private organizations and any landowners and land users directly affected by the trail route location an opportunity to provide their input into the selection of the trail route. Further, negotiations with each affected landowner have focused on identifying an acceptable balance between existing land uses and Trail protection. While the clause referring to harmonizing with and complementing established multiple-use plans has been generally interpreted as being a reference to managing the Trail in a way that complements established multiple-use plans within existing national forests and parks (which the Trail does), it is important to note that all four of the alternatives outlined in the Environmental Assessment provide for expansion of the ski area above and beyond any plans that have been submitted to LURC for their consideration.

The National Park Service infrequently has had to exercise its authority to acquire lands to protect the Trail through eminent domain, and consistent with Congress’ direction, has done so only in cases where all reasonable efforts to acquire the necessary interests through negotiation have failed. The Service strongly prefers to acquire the interests necessary to protect the Trail through negotiation, and in the vast majority of cases, has been successful in doing so. Further, of the cases that have been referred to the courts for resolution, most have been matters of clearing title to the property or disagreements regarding the fair market value of the property. With regard to protecting the Appalachian Trail across Saddleback Mountain, the National Park Service has attempted to negotiate for 15 years, and has not yet made a determination that all reasonable efforts at negotiation have failed.

The inclusion of the various alternatives under consideration in the Environmental Assessment process is appropriate in order to explore the range of options and environmental effects that could possibly occur as a result of protecting the Appalachian Trail across Saddleback Mountain. There is no basis in law or regulation that would support the proposition that only options that the property owner approves of are legal and appropriate.

Comment #1858: “The central issue at Saddleback is the nature and extent of the condemnation authority granted to the NPS under the 1978 Act. The NPS claims a breadth of authority that would enable it to take thousands of acres at Saddleback. However, the extent of the condemnation authority claimed by the NPS is both absurd on its face, and in conflict with the record. The NPS claims that Congress intended to give the NPS authority to take 125 acres

*per mile* along the AT, with the provision that the NPS could use the *entire Trail*, and not simply a given mile along the Trail, as the basis for averaging out its acquisitions. Since the Trail corridor is much less than 125 acres per mile (or about 1000 feet wide) in many places, the logic of the NPS' position would enable it to make a 'balloon' acquisition at Saddleback. The NPS, under its interpretation, could condemn the entire town of Rangeley and more than half of Franklin County. Saddleback, by contrast, believes that the authority of the NPS is limited to 125 acres in any one mile, which would give the NPS the authority to take about 330 acres at Saddleback.

The NPS rests its case on a very, very thin reed: the statement of a single member of Congress, who is not a sponsor of the 1978 Act, supporting its interpretation of its condemnation authority. Saddleback, by contrast, has unambiguous statements from numerous individuals who were directly involved in the 1978 Act, including one of its Senate sponsors (Senator Mathias of Maryland), and the senior members of the Department of the Interior who were directly charged with presenting the official position of the Carter Administration on the issue. It is clear from their written and oral testimony before the Congressional committees that even the senior managers of the NPS itself believe that the condemnation authority of the NPS in the 1978 Act would be restricted to 125 acres in any one mile.

The Maine case cited by the NPS as supporting its position (US vs. 3903 acres) was a complicated case with several elements. A Federal Magistrate heard testimony on the issue under debate at Saddleback, and the full Federal District Court agreed to decide the issue. This would indeed have provided a valuable precedent. However, the NPS and the landowner settled the case before trial, and the relevant portions of the case were dismissed.

It is indeed true that a Federal District Court did support the NPS on the issue of its condemnation authority, in a case in West Virginia. Both sides (the NPS and the landowner) made very similar arguments to those now made with respect to Saddleback. The judge's ruling in favor of the NPS cited a legal opinion provided by the Solicitor General of the Department of the Interior as the crucial factor in his decision. As the next point will demonstrate, the pivotal statement in that opinion is indeed fraudulent.

The Acting Assistant Solicitor provided a legal opinion in favor of the position currently advocated by the NPS, resting its arguments almost entirely on statements made by the House sponsor of the bill, Rep. Goodloe Byron. The problem is that Rep. Byron, the bill's sponsor, never said the words. As the Congressional Record clearly indicates, the remarks were made by another Congressman, Rep. Keith Sebelius. Rep. Sebelius was the ranking minority member of the Interior Committee, and a veteran member of Congress, so his stated opinion is not unimportant. However, he was not the sponsor of the bill, and his statements do not carry the legal weight incorrectly attributed to them by the Department. Although it may seem like a minor point, as a legal matter the distinction is real and important – and clear to both the NPS and the Department of the Interior.”

Response to Comment #1858: As noted previously, legal issues are more appropriately debated in a legal forum. Many of the arguments outlined above were placed before the United States District Court for the District of Maine [U.S. v. 3,901.29 Acres of Land, No. 88-0080-B

(D. Me – January 9, 1990)], where a determination was rendered concerning the Secretary's authority to acquire land by eminent domain. In that particular case, the defendant, Diamond Occidental Forest, Inc., attempted to weaken the significance of Congressman Sebelius' statements by arguing he was not a sponsor of the bill. In fact, however, he was the only Congressman who rose to address in detail the significance of each of the proposed amendments. No other Congressman offered their specific understanding of Section 7's amended language, which Congress specifically amended from "*not more than twenty-five acres in any one mile*" to "*not more than an average of one hundred and twenty-five acres per mile*" in the 1978 amendments to the Act. Congressman Sebelius' substantial involvement in drafting the amendment was further indicated by the words of Congressman Clausen, who later rose to commend Congressman Goodloe Byron (the bill's author), Congressman Phillip Burton (chairman of National Parks and Insular Affairs Subcommittee), and Congressman Sebelius "for the more comprehensive features which they so ably worked into this piece of legislation" [123 Cong. Rec. 34,991-92 (1977)]. Congressman Sebelius' comments on the 1978 amended provisions are, accordingly, entitled to great weight, as indicated in the court's ruling on the issue in the above-cited case. While it is correct that there was a settlement between the parties in the Diamond Occidental case as to some of the tracts that were at issue, that does not change the fact that the Court heard the arguments of both parties, and considered, ruled, and rejected the landowner's narrower view of the Secretary's authority to acquire land for the permanent protection of the Trail. The court's ruling in this matter is also consistent with other court rulings on the issue.

Comment #1944: "The law doesn't require the Park Service to adopt the trail protection alternative preferred by the landowner. It does require that 'development and management of [the Trail] shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land.' (16 U.S.C.A. Section 1246.a.2, emphasis added.) Alternative #1 meets this requirement, as it allows Saddleback to go forward unimpeded with its existing Planned Development Subdistrict as conditionally approved by LURC. Despite verbal claims by the ski area's owners that the ski area needs to expand into the saddle bowl and over to the other side of the mountain to remain viable, the ski area has made no move to establish or prepare any such plans.

The legislative history shows that Congress in 1978 fully intended to give the Secretary of the Interior the discretion to set the boundaries of the trail corridor so as to insure a corridor wide enough to protect trail values.

In the beginning, in 1968, Congress passed the National Trails System Act. The law provided that 'condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than twenty-five acres in any one mile and when used, such authority shall be limited to the most direct or practicable connecting trail right-of-way.' (P.L. 90-543, Sec. 7(g), Oct. 2, 1968, emphasis added.)

In 1978, Congress amended the law to eliminate that language and replace it with language that remains in place today. It did so because in the intervening years from 1968 to 1977, Congress had determined that experience with the trail demonstrated that additional authority was needed 'to insure the acquisition of a corridor sufficient to protect trail values.' (Senate Report No. 95-

636, Feb. 10, 1978, page 4.) According to Senator Mathias, the 1968 law's limitation in right-of-way acquisition 'has resulted in incompatible development within sight and earshot of the trail.' (Congressional Record – Senate, p. 27945, Sept. 7, 1977.)

After a thorough search, I found nothing in the 1978 amendments or their legislative history to support Saddleback's oft-stated position that the Park Service can take a maximum of a 1,000-foot corridor, or 125 acres in any one mile. The '125 acres in any one mile' was present in an earlier Senate version of the bill (Congressional Record – Senate, p. 27845, Sept. 7, 1977), but that language was dropped and never made into law. Instead, both bodies of Congress and President Carter in 1978 opted for more expansive language and totally eliminated the 1968 law's limitation on the amount of acreage that could be taken in any one mile. On March 21, 1978, the amendments to the National Trail Systems Act became law, stating that 'condemnation proceedings may not be utilized to acquire fee title or lesser interests of more than an average of one hundred and twenty-five acres per mile.' (P.L. 95-248, Sec. (4), Mar. 21, 1978.) The limitation on the use of condemnation to the most direct or practicable connecting trail right-of-way was also dropped.

To avoid any confusion or ambiguity as to what the changes really meant, Congressman Sebelius, who helped create the 1978 amendments, stood up on the floor of the House to speak before the House vote. He made clear that the new language meant more than just an expansion of trail acquisition from 25 acres per mile to 125 acres per mile. He emphasized that the language expands the acquisition authority for condemnation:

from the current maximum of 25 acres in any one mile, to a maximum of not to exceed an average of 125 acres per mile for the length of the trail. Thus, not only is the average width expanded, but the limitation of a certain amount per any one mile is replaced by a limitation of a width which cannot exceed an average of a certain width over the entire length of the trail.

(Congressional Record – House, p. 34991, Oct. 25, 1977, emphasis added.)”

Response to Comment #1944: The National Park Service's authority to acquire property for the Appalachian Trail has been examined by the courts a number of times during the 20-year history of the Appalachian Trail land protection program. See the responses to comments #1807 and #1830. It is fair to say that reasonable people could have different interpretations of the law. The National Park Service believes that its interpretation of the law is correct and fully supported by the legislative history of the Act and judicial rulings on the issue in the courts.

Comment #2160: “(M)any opponents refer to Alternative 3 as a ‘donation of land’ by Saddleback Ski Area to the National Park Service. This is simply incorrect. Under Alternative 3, Saddleback Ski Area would retain the right to ‘conduct all other activities useful to the operation of a commercial ski area’ (Environmental Assessment, page 2-7). The ski area would have the right to remove trees, bulldoze [the] landscape, construct warming huts and ski lifts, and so forth. Under this alternative, the NPS would not own the land, but only certain interests in the land. As such, Alternative 3 violates the National Trails System Act, and the clear intent of Congress and the American people.”

Response to Comment #2160: The rights that would be retained by Saddleback Ski Area under Alternative #3 are described in Chapter 2 of the Environmental Assessment. The exercise of these rights would substantially affect the natural, scenic, and recreational values of the Appalachian Trail across Saddleback Mountain, as documented in Chapter 4 of the EA. However, if the National Park Service in behalf of the Secretary of the Interior determined that Alternative #3 constitutes an acceptable level of protection for the Appalachian National Scenic Trail, the exercise of these rights would not constitute a violation of the National Trails System Act.

Comment #2180: “Allegations at the Session about the legality of protecting outstanding landscapes beyond a limited trail right-of-way notwithstanding, the National Trails System Act criteria call for ‘extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities of the areas through which such trails may pass.’ Having assisted in developing this Act in the 1960’s in the Interior Department’s former Bureau of Outdoor Recreation, I recall the intent to link and protect significant features as expansive nodes. Any formulas on acres per mile were averages for extended linear stretches interconnecting nodes.”

Response to Comment #2180: In the National Trails System Act, Congress declared that the Appalachian Trail and other scenic trails should be located “to provide for maximum outdoor recreational potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.” 16 U.S.C. §1242 (a)(2). Reasonable people could have reasonable different interpretations of the authorizing legislation, but Congress’ intent in amending the language in Section 7 of the Act from “not more than 25 acres in any one mile” to “an average of not more than 125 acres per mile” is clear, particularly when the legislative history of the Act is examined.

Comment #2956: “Both the 1968 and 1978 Congressional Acts did not intend ski areas to be hurt in any way from the passage of the trail. Ski areas were described as a compatible trail activity and the NPS, the ATC, the bill sponsors and concerned senators all pledged their word that ski areas and local economies that they supported would not be harmed by the passage of the trail. This should be considered heavily in any decision.”

Response to Comment #2956: The National Trails System Act contains a number of passages that have been interpreted in different fashions. A careful reading of the legislation is necessary to evaluate what passages apply to land acquisition and what passages apply to management and development. It is clear that Congress intended to ensure that existing ski areas adjacent to the Trail could continue their operations. Congress did not mandate, however, that every conceivable future land use should be accommodated. Rather, Congress provided the Secretary of the Interior with the authority to acquire lands to ensure that the scenic, historic, natural and cultural features of the Appalachian National Scenic Trail would be protected in perpetuity.

Comment #3058: “What the Park Service would like to take is outside of the law. Someone here earlier today mentioned that the Congress mandated the protection of the trail, which is

absolutely true. In 1968 they passed a law saying that on private land property, which is what Saddleback is, that the Park Service could acquire up to 25 acres in any one mile from a landowner who did not want to donate the land to the Trail. In 1978 they increased that amount. There was an amendment to the Act, and they increased that to 125 acres per mile. And the language was somewhat ambiguous, which I think has been some of the confusion over time. The Park Service contends – correct me if I’m wrong – that 125 acres per mile means along the entire length of the 2,160 mile trail they can average out that amount and then in effect take a balloon acquisition in any area that they would choose to do. We looked into the law, and in the legislative history, which is where you would go if there’s any confusion about what the law actually says, it’s very clear. There’s a letter from the Secretary of the Interior which says that it’s 125 acres in any one mile or a thousand-foot corridor. We looked further into the Congressional hearings and the Congressional record leading up to the law, and in that there are – I can’t remember how many references, but I think over 20 references to the law being 500 feet on either side or a thousand-foot corridor, 125 acres in any one mile. So at Saddleback, 125 acres in any one mile equals 330 acres. So that’s one of the stumbling blocks that we’ve had is just on how much land should we be talking about. 330 acres would mean that all of the alternatives, including the one that Saddleback is offering, is not within the legal right for the Park Service to acquire by eminent domain.

The second thing that is clear in the law is that Congress intended for there to be multiple use along the trail, and that is said over and over and over again. In particular they talk about situations where the trail will bisect a landowner’s land. There are quotes throughout the hearings where the Senators and the Congressmen say, well, obviously you wouldn’t negotiate a landowner out of the use of his land, and a landowner would be able to cross the trail in order to access his land. In particular they talk about ski areas. In 1968, they started the discussion on the law with ski areas and the local economies that they would support, and they end the discussion immediately before the vote talking again about ski areas. In total they reference ski areas and the local economies that they support 33 times. The Park Service, the Appalachian Trail group, Senator Nelson, who is one of the greatest environmental senators of our time, and Garvey, who I believe was the ATC secretary, and Udall, who was the head of the Department of the Interior at the time, all pledged their word to Congress, the people voting on the bill, that ski areas would not be affected by the passageway of the Appalachian Trail, and that in cases of conflict the Trail would be moved rather than hurt a ski area or the local economy that it supports.” [These concerns also were raised in Comments #2956, #3084, #3098, and #3099.]

Response to Comment #3058: The National Trails System Act contains a number of provisions concerning the location of the trail route, use and development of federal lands, and the acquisition of lands for the Appalachian Trail. Many can debate the statements made by different individuals during the enactment of the 1968 Act and the subsequent changes to the law in 1978. A careful reading of the statements of various parties regarding ski development in the Congressional Record makes it clear that the statements concerned existing ski area development at the time the legislation was being considered.

The National Park Service has acquired more extensive protection for sections of the Appalachian Trail that contain particularly significant scenic or natural values. Examples of these significant scenic or natural areas include Gulf Hagas, White Cap Mountain, and

Nahmakanta Lake in Maine; Smarts Mountain, Cube Mountain, and Velvet Rocks in New Hampshire; the Coolidge Range in Vermont; the Sages Ravine, Upper Goose Pond, and the April Hill Farm in Massachusetts; the Housatonic River in Connecticut; Sterling Forest in New York; Eagles Nest, Kittatinny Mountain, and Blue Mountain in Pennsylvania; and Calf Mountain, Wintergreen, and Catawba Mountain in Virginia. In each case, the Appalachian Trail corridor was designed to protect specific features of the landscape that had particular scenic or natural values.

The National Park Service disagrees with the contention that Congress intended to say that any and all future development, be it ski-area development or other development, was meant to take place within the trail corridor for the Appalachian Trail.

Comment #3096: “One of the big issues here that has been kind of side stepped is the Appalachian Trail is across private property. You are borrowing someone else’s land. They have given you permission to walk across it. We need to remember that the only reason the Appalachian Trail is there is because there are a lot of people who are generous enough to let other people walk across their property.”

Response to Comment #3096: Much of the Appalachian Trail crossed privately owned lands from the 1920s and 1930s, when it was initially designed and constructed, until the 1960s and 1970s, when Congress passed and subsequently amended the National Trails System Act to ensure that the Appalachian Trail would be permanently protected. Congress passed the Act because a number of landowners had closed their lands, breaking the continuity of the Trail. The generosity of landowners who voluntarily allowed the Trail to pass over their lands for many years has been recognized many times.

Comment #3099: “Let me talk to you about the history of the National Scenic Trails Act. The question that is being considered tonight, whether or not the Department of Interior should be allowed to encroach upon the ski area and undertake a project that would harm them and curtail their ability to develop their property, was taken up very carefully at the time of the act. Don’t take my word for it, go back and read the Congressional record where they have the testimony of all the various senators and the senators from Vermont were concerned about the impact that the Appalachian Trail might have on the ski areas there and they were promised, this is in the record, they were promised by the senators proposing the National Scenic Trails Act of which the Appalachian Trail is a part of that it would not adversely impact skiing. I ask you and the Park Service to keep that promise today. In the proposals you have got on the table, you haven’t done so.”

Response to Comment #3099: The National Trails System Act and its legislative history contain a number of statements concerning the Appalachian Trail and ski areas. The National Park Service is fully cognizant of the language contained in the legislative history of the Act regarding ski areas. All of the alternatives described in the Environmental Assessment would not have any adverse effect on the existing ski area. The difference in opinion that appears to exist concerns lands that were not developed for skiing at the time of the passage of the legislation. The legislative history of the Act makes it clear that the crafters of the legislation

also wanted to ensure that the Appalachian Trail would be permanently protected from future development.

### Substantive Comments and Responses Concerning Other Alternatives

Comment #0001: “My recommendation is to press for National Park Service (NPS) purchase of the areas southeast of the Ski Area as shown on Alternate 1. In addition, the NPS should purchase the area northwest of the A.T. section between Saddleback peak and the Horn as shown in Alternate 2, but subject to an agreement that the Federal Government would be willing to sell acreage in the future to the Ski Area as necessary to achieve Alternate 4 boundaries. Such sale would be triggered only upon request from the Ski Area, and when the Ski Area owners could show firm plans (including firm financing and all government permits) for expanding from Alternate 2 ski trails to Alternate 4 trails.”

Response to Comment #0001: This comment suggests, in essence, a combination of Alternative #1 south of the summit of Saddleback Mountain, and Alternative #4 north of the summit of Saddleback Mountain. If negotiations resume, the potential advantages and disadvantages of this proposal could be considered. The National Environmental Policy Act does not require that every conceivable alternative be analyzed, only that a reasonable range of alternatives be analyzed. The impacts of this configuration can be analyzed by examining the site-specific effects associated with Alternatives #1 and #4 in the Environmental Assessment.

Comment #0009: “I think Alternative 1 meets all the requirements and I would be willing to give up some of the ridge to Potato Nubble. I believe holding the southeast section to prevent any crossing is a must.”

Response to Comment #0009: This comment suggests a variation of Alternative #1 that would acquire less acreage between The Horn and Potato Nubble. See the response to Comment #0001 above.

Comment #0031: “When I wrote my first letter it was to suggest that the whole property should be acquired and there should not be any development of the area. The Environmental Assessment that you sent me states that this is beyond the scope of what is required to protect the trail. I don’t know who decided that but it is incorrect. The acquisition of this whole area is well within the definition of protecting the trail.” [This concern also was raised in Comments #1809 and #2155.]

Response to Comment #0031: As noted on page 2-11 of the Environmental Assessment, several people proposed during scoping that the National Park Service acquire the entire property, which the owner has indicated is for sale. Alternative #1, which would protect the existing Appalachian Trail experience across Saddleback Mountain, incorporates all of the major scenic and natural components of the landscape of the Appalachian Trail across Saddleback Mountain. Other lands owned by Saddleback Ski Area do not contain scenic or natural qualities that would affect the Appalachian Trail. See also the response to Comment #0592 on the following page.



Comment #0536: “I would prefer that no ski-lift terminals, snowmaking equipment or pipelines be visible from or within 500 feet of the trail.”

Response to Comment #0536: This comment suggests an alternative consisting, in essence, of a 1,000-foot corridor of land void of ski-area facilities. See the response to Comment #0001 above. The impacts of this potential alternative could be analyzed by examining the site-specific effects associated with Alternatives 2, 3, and 4.

Comment #0592: “The only other possible alternative, one currently dismissed, is fee simple acquisition of the [ski area] and subsequent sale to a new owner with deed restrictions. Since the [ski area] is reported to be for sale, this route should not raise ire. Could the process be brokered by the Trust for Public Lands or other such organization?” [This concern also was raised in Comment #1809.]

Response to Comment #0592: The National Park Service does have the authority under the National Trails System Act to acquire entire properties from willing sellers and then re-sell those lands that are not needed for Trail protection. At this point in time, however, the owner’s asking price for the property is many times the value of the property indicated by two independent, professional appraisals of the property. The National Park Service is able to offer an amount in excess of the fair market value only with the approval of Congress or as part of a court-administered settlement.

Comment #1371: “All of your alternatives involve degradation of the A.T. In evaluating Alternative #1, you admit that two facilities would ‘intrude into the ‘visual foreground zone’. Somehow you conclude that this gives ‘retention’ of the visual quality, a conclusion that is illogical and perverts the English language. This intrusion does not retain the visual quality, it degrades the quality. In view of the importance of the views from the A.T. and the unlikelihood of development, I feel that the Park Service should proceed with a plan to protect all acreage that would be protected under Alternative 1, plus protection of acreage that would be degraded by the two facilities that would intrude on AT views as discussed in Alternative 1.”

Response to Comment #1371: The two facilities referred to in Comment #1371 are the two uppermost ski lifts (Sundance and Upper Advanced) that were conditionally approved by the Maine Land Use Regulation Commission in 1989 and 1994. The visual impacts of these facilities are described on pages 4-3 to 4-6 of the Environmental Assessment. As noted in the Environmental Assessment, the Maine Land Use Regulation Commission stipulated that Saddleback must submit, prior to construction of these lifts:

an alternative location analysis that fully examines a wide range of alternative locations for each of these ski trails and ski lifts, and, to the Commission’s satisfaction, determines suitable alternative locations that would, while serving skier needs, reduce the visual intrusion of the proposed development on the Appalachian Trail... (and) a visual impact analysis which, to the Commission’s satisfaction, comprehensively addresses the impact on the Appalachian Trail viewshed...., (which) shall be prepared using state of the art technologies for visual simulations such as computer modeling and photomontage techniques.

In addition, these two lifts would be placed adjacent to existing ski-area development on the southwestern flank of the mountain, which is the least visible portion of the mountain from the Appalachian Trail. As noted in the assessment, based on these factors it is likely that visual impacts of these facilities could be minimized to the point where they would not have a substantial effect on the scenic environment of the Appalachian Trail. As a result, all of the alternatives in the assessment provide for development of these facilities.

Comment #1819: “I don’t feel that even alternative 1 provides sufficient protection for such a rare natural resource as Saddleback Mountain. I would like to see someone, perhaps the town of Rangeley or Franklin County, own and manage all but the Alternative 2 lands for the benefit of the local people, with suitable conservation easements to protect the AT viewshed and fragile alpine environment even more than Alternative 1.”

Response to Comment #1819: Alternative #1, which would protect the existing Appalachian Trail experience across Saddleback Mountain, incorporates all of the major scenic and natural components of the landscape of the Appalachian Trail across Saddleback Mountain.

Comment #1869: “Given the opportunity to modify the alternatives, we would suggest altering Alternative 3 by minimizing the development rights relating to the southeastern side of the mountain. A compromise such as this is long overdue.”

Response to Comment #1869: This comment suggests a variation on Alternative #3 that would minimize ski-area development on the southeastern side of the mountain. If negotiations resume, the potential advantages and disadvantages of this proposal could be considered. The National Environmental Policy Act does not require that every conceivable alternative be analyzed, only that a reasonable range of alternatives be analyzed. The impacts of this potential alternative could be analyzed by examining the site-specific effects associated with Alternatives #2, #3, and #4.

Comment #1880: “If we could go back to the scoping process, I would favor an Alternative #0 that involved more land acquisition by the NPS and, perhaps, negotiated removal of ski facilities near the summit of Saddleback. (I realize that this is impractical and perhaps impossible, but that does not make it any less desirable.)”

Response to Comment #1880: The impacts of Saddleback Ski Area’s existing facilities are described in Chapters 3 and 4 of the Environmental Assessment. As noted in the Environmental Assessment, the existing ski area facilities are located on the southwestern flank of the mountain and do not significantly affect the Appalachian Trail.

Comment #1950: “I support acquiring, at a minimum, the area that corresponds to the Maine Critical Area that is currently not developed, or approved for development, as well as the trail corridor south of Saddleback summit presented in Alternative #4. This is very similar to Alternative #4. On page 3-55 of the NPS Environmental Assessment of Saddleback Mountain, footnote #2 states that the Critical Area was designated in 1981,

which is before the current owner bought the ski area from Georgia Pacific. Therefore, the current owner should have been aware that development in this zone of the mountain could be restricted.”

Response to Comment #1950: This comment suggests, in essence, a variation on Alternative #4 in the “saddle bowl” north of Saddleback Mountain that would approximate the boundaries of the Maine Critical Area identified by the state in 1981. See the response to Comment #1869 above. Most of the impacts of this configuration on natural resource values can be analyzed by examining the site-specific effects associated with Alternative #4. Additional visual simulations might be necessary to identify the potential visual impacts of this alternative.

Comment #2155: “The North Woods supports foremost the alternative of acquiring the entire Saddleback Ski Area property as the least intrusive to and most protective of the Appalachian Trail (A.T.) on Saddleback Mountain. RESTORE submits that:

- acquisition of the entire Saddleback Ski Area property is a valid alternative for consideration;
- it is the alternative that most closely meets the statutory mandate for protection of the Appalachian Trail on Saddleback Mountain;
- since there is a willing seller and a willing buyer, Alternative #6 should be fully evaluated; and
- the national interest uniquely at stake on Saddleback underscores the special opportunity that will be foregone if the entire Breen ownership is not acquired.”

Response to Comment #2155: As noted on page 2-11 of the Environmental Assessment, several people proposed during scoping that the National Park Service acquire the entire property, which the owner has indicated is for sale. Alternative #1, which would protect the existing Appalachian Trail experience across Saddleback Mountain, incorporates all of the major scenic and natural components of the landscape of the Appalachian Trail across Saddleback Mountain. Other lands owned by Saddleback Ski Area do not contain scenic or natural qualities that would affect the Appalachian Trail.

The National Park Service does have the authority under the National Trails System Act to acquire entire properties from willing sellers and then re-sell those lands that are not needed for Trail protection. At this point in time, however, the owner’s asking price for the property is many times the value of the property indicated by two independent, professional appraisals of the property. The National Park Service is able to offer an amount in excess of the fair market value only with the approval of Congress or as part of a court-administered settlement.

Comment #2181: “We believe that trail protection should come first; that the entire northwest side of the mountain down to the 2000 foot level, save the existing ski area and LURC-approved expansion, should be acquired. We believe NPS authority is flexible enough to support this, but a better result might be a coordinated purchase by the State of Maine, private trusts, and the NPS. In that case, the NPS purchase should protect the entire AT viewshed on the North side of the mountain (option 2, somewhat expanded). This means that the Appalachian Trail can, and it should, have the maximum protection – not

just Alternative 1, but what we call “Alternative 1B”. The National Park Service should buy the entire Saddleback Ski Area property (Map 3.8, p. 3-10), except the LURC-approved facilities, down to the 2000-foot level.”

Response to Comment #2181: This comment suggests, in essence, a variation on Alternative #1 in the “saddle bowl” north of Saddleback Mountain. Alternative #1, which would protect the existing Appalachian Trail experience across Saddleback Mountain, incorporates all of the major scenic and natural components of the landscape of the Appalachian Trail across Saddleback Mountain.

Comment #2193: “If Alternative #2, backed by the Appalachian Trail Conference, is approved, I urge you to modify this alternative to include acquisition of the southeast corner of the property to ensure that the corridor on the south side of the mountain is not subjected to future political pressure and compromise.”

Response to Comment #2193: This comment suggests, in essence, a combination of Alternative #1 south of Saddleback Mountain, and Alternative #2 north of Saddleback Mountain. If negotiations resume, the potential advantages and disadvantages of this proposal could be considered. The National Environmental Policy Act does not require that every conceivable alternative be analyzed, only that a reasonable range of alternatives be analyzed. The impacts of this configuration can be analyzed by examining the site-specific effects associated with Alternatives #1 and #2.

Comment #2240: “I urge acquisition of all the lands of proposal #2 plus all the area north to Potato Nubble and northwest to Oakes Nubble. This still allows land for potential substantial expansion of the ski area.”

Response to Comment #2240: This comment suggests a variation of Alternative #2 north of Saddleback Mountain. See the response to Comment #2193 above. The impacts of this configuration can be analyzed by examining the site-specific effects associated with Alternatives #1 and #2.

Comment #5002: “Maybe they should move the trail off of Saddleback like they did at Sugarloaf in Carrabassett Valley.” [This concern also was raised in Comment #5015.]

Response to Comment #5002: This proposal was suggested by several people during scoping and is discussed in the Environmental Assessment, beginning on page 2-11. As noted in the assessment, this action would remove the Appalachian Trail from its historic location across Saddleback Mountain, where it has been located since 1935, and place the Trail in an inferior location. This action in all likelihood would place the Appalachian Trail outside the official right-of-way for the Appalachian Trail as selected and published on maps file in the *Federal Register* on October 9, 1971, pursuant to Section 7(a)(2) of the National Trails System Act, which would require an act of Congress. Also, from a practical standpoint, relocating the Appalachian Trail off of Saddleback Mountain would require relocating up to 20 miles of the Appalachian Trail corridor, disposing of thousands of acres

of land that have been acquired to protect the Trail, and acquiring thousands of acres of land to provide for a new corridor of land to protect the Trail.

### Substantive Comments and Responses Concerning Other Issues

Comment #1829: “At the August 3 public hearing on the Environmental Assessment in Rangeley, Park Service officials denied the local public the opportunity to publicly share and discuss their side of the story. Several requests were made for the NPS-hired court reporter to document their statements for the record. These requests were categorically denied by the NPS. The NPS’s fiduciary responsibility was to gather feedback from citizens regarding this assessment. Yet the NPS chose not to listen to those who commented against the NPS pre-chosen Alternatives. The citizens attending this hearing vociferously complained that the NPS officials were not even listening to what they had to say, and yet the NPS did nothing to show them otherwise. A partial videotape of this injustice will be shortly forthcoming and should be included in the record.” [This concern also was raised in Comment #4957.]

Response to Comment #1829: This is not a fair characterization of the public meetings or the process that the National Park Service followed to receive public input. In addition to providing a 60-day public comment period for receipt of written comments, the National Park Service scheduled three public meetings in Rangeley, Bangor, and Portland, Maine, to receive public input. These meetings were planned as “open house” style meetings, so that people could study the alternatives, ask questions of Park Service representatives, exchange ideas with each other, and provide input to the Park Service orally or in writing if they wished to do so. The National Park Service contracted for the services of a court reporter for anyone who wished to provide input orally at the meeting. At the first public meeting in Rangeley, a group of people organized by a private property rights advocate disrupted the process and demanded a formal “public hearing” style format. An uncomfortable compromise solution was reached, where the court reporter was moved to a separate room to continue to record comments from people who wished to have their comments submitted for the official record and an impromptu public hearing was allowed to continue in the main room. In response to the concerns raised during the Rangeley meeting, the National Park Service adapted the format of the meetings in Bangor and Portland to provide people with an opportunity to speak in a more formal “public-hearing” style setting as well as an opportunity to study the alternatives, ask questions of Park Service representatives, exchange ideas with each other, and provide input to the Park Service orally or in writing consistent with an “open house” style meeting.

Comment #2166: “Wholesale expansion of the ski area would bring not only visual impact, but noise pollution as well. Carpentry, mowing, snow-making, and trail-grooming are but a few of the audible activities which would diminish the experience of hikers on the trail. It is essential to protect not only the ‘Viewshed,’ but the ‘Earshed.’ The final mile of the descent beyond the ridge to the southern trailhead is marred by the sound of traffic on Route 4. It is exceedingly important to prevent any further audible incursions upon the AT on the ridgeline.”

Response to Comment #2166: Though no noise studies have been conducted, it is unlikely that most ski-area operations would be audible to most visitors on the Appalachian Trail. Snow-making operations are typically restricted to certain conditions and time periods during winter

months, when very few hikers are likely to be on the Trail. Construction-related noise would be evident during clearing and grading of trails, construction of ski lifts, and construction of other facilities. These impacts also would be temporary.

Comment #5209: “Both parties have drawn a line in the sand and are now playing a ‘who can spit how far game.’ The A.T. does not run through a wilderness [from Maine to Georgia]. Reasonable protection on Saddleback should be required. This does not mean that no ski facilities should be permitted in the view of hikers. By the same token the ski mountain should not be permitted to do as they please. There is room for a reasonable compromise.”

Response to Comment #5209: Agreed.

### **Errata**

The following corrections should be made to the text of the Environmental Assessment:

Page 1-6: Revise the second sentence in the first paragraph under the subheading “History of Negotiations to Protect the Appalachian Trail across Saddleback Mountain” to read: In 1984, the current owner purchased approximately 11,750 acres.

Page 1-6: Add, to the second paragraph under the subheading “History of Negotiations to Protect the Appalachian Trail across Saddleback Mountain”: In November 1987, Saddleback Ski Area proposed in a letter a donation of a parcel of land 100 feet either side of the Trail footpath, subject to conditions reserving undefined crossing rights for ski area operations and the satisfactory resolution of negotiations for the remaining lands in question. The National Park Service responded in November 1987, advising Saddleback that the offer was unacceptable because of the conditions attached to it.

Page 2-7: Add, under the subheading “Alternative #3: Saddleback Ski Area Proposed Alternative”: Saddleback Ski Area’s proposal also includes protective covenants that state that the ski area will maintain a gated access on the existing roadway to discourage summer use of Eddy Pond by vehicular traffic between May 1<sup>st</sup> and October 1<sup>st</sup>, and that all above-ground facilities and structures within the granted passageway will be earth-tone colors, natural wood, or painted a non-reflective, non-metallic, forest green, black, or gray.

Page 2-9: Add, under the subheading “Alternative #3: Saddleback Ski Area Proposed Alternative” following the first paragraph on page 2-9: Saddleback Ski Area’s proposal also includes a statement that “to the extent reasonably feasible, ski facilities, structures and buildings shall be located in such a way as to minimize their visibility from the Appalachian Trail. When not reasonably feasible, it is acknowledged by both parties that they may be visible therefrom. In cases of conflict, it is expressly acknowledged by both parties that skiing facilities (such as trails, lifts, buildings, *etc.*) shall take precedence over hiker views and the grantor need not have to incur extra cost for hiker viewsheds.”

Page 3-12: Add, under the subheading “Vegetation and Natural Communities”: Saddleback Mountain’s alpine zone is not only of statewide, but also regional and national ecological significance.

Page 3-48: The following subheading should be underlined: Maine Land Use Regulation Commission.

Page 3-48: Add, to the last paragraph on this page under the subheading “Maine Land Use Regulation Commission”: Eddy Pond also is designated as a Management Class 6 lake, which is the basis for the ½-mile P-RR designation around it.

Page 3-50: Add, to the last sentence in the second and third paragraphs, under the subheading “Maine Land Use Regulation Commission”: under the current protection subdistrict.

Page 3-50: Add, to the fourth paragraph, under the subheading “Maine Land Use Regulation Commission”: Although considered a compatible use in mountain areas, trails also require permits in P-MA zones.

Pages 4-8, 4-22, 4-41, and 4-58: Add, under the subheading “Vegetation and Natural Communities”: The potential impact of non-native species on natural communities and native plants in the subalpine and alpine environments on Saddleback Mountain is unknown. Further studies need to be conducted to determine the extent of this concern.

Page 4-9 and 4-70: Insert as a second sentence in the third paragraph under the subheading “Water resources” on page 4-9: If snowmaking coverage were increased to 90% coverage of the ski trails at full build-out, approximately 151.6 million gallons of water, or 465.1 acre-feet of water, would be required. These figures also may be inserted for Alternative #1 in Table 4.5.2 on page 4-70 for a more accurate comparison of the quantity of water needed for snowmaking.

Pages 4-10, 4-24, 4-43, and 4-60: Add, under the subheading “Recreation” a new paragraph at the conclusion of the discussion of impacts to the recreational experience on the Appalachian Trail: Noise impacts would be negligible. Construction activities would be audible during clearing and grading of ski trails, construction of ski lifts, and construction of other facilities. Snowmaking operations would occur only at intervals during winter months, when few hikers are on the Trail. Both impacts would be temporary.

Pages 4-22, 4-41, 4-58: Add, under the subheading “Vegetation and Natural Communities”: Clearing trees for ski trails and lifts in the subalpine spruce-fir forest near the ridgeline may affect exposed trees immediately adjacent to the areas that are cleared. This effect, known as “dieback,” also is seen in other high-elevation, wind-stressed communities.

Page 4-22, 4-41, and 4-58: Add, under the subheading “Vegetation and Natural Communities”: The alpine, krummholz, and subalpine natural communities on Saddleback Mountain have adapted to the extreme climatological and ecological stresses present on the upper elevations of the mountain. Snow depths and compaction associated with snowmaking and grooming, as

well as the disturbances associated with clearing and earthwork necessary for constructing ski trails, may allow other species to survive and compete with native species in these communities, which could result in changes in species composition over time.

Page 4-71: Change, in Table 4.5.3, the lift capacity in people per hour for Alternative #2 to “24,700,” and the lift capacity in vertical transportation feet to “19,738.” These figures are shown correctly in Table 4.2.6 on page 4-25 in the assessment and do not affect other portions of the analysis.

### **Summary of Findings and Conclusions**

While not a decision document, the Environmental Assessment does document the important natural, cultural, scenic, and recreational components of the environment of the Appalachian Trail across Saddleback Mountain. In addition, the Environmental Assessment provides an extensive analysis of the social and economic environment of the Rangeley region, and describes the anticipated consequences of four alternatives for protecting the Appalachian Trail across Saddleback Mountain. The following findings from the Environmental Assessment and the public comments received in response to the assessment are relevant factors that should be considered in any final determination that is made regarding the protection of the Appalachian National Scenic Trail across Saddleback Mountain:

1. The alpine ridge, alpine bog-meadow, and krummholz communities on Saddleback Mountain are ecologically important and should be preserved. These natural communities are important in and of themselves; but they also provide habitat for six known rare plant species (and possibly more) and include exceptional examples of vegetation surviving under extreme environmental and climatological stress. Two of the rare plant species – alpine holy grass and sweet hurts – are listed as threatened and endangered, respectively, by the state of Maine.
2. The section of the Appalachian National Scenic Trail across Saddleback Mountain provides some of the most dramatic and breathtaking scenery along the entire Appalachian National Scenic Trail – comparable only to Katahdin, the White Mountains, the Mt. Rogers National Recreation Area, and the southern Appalachian balds. The Appalachian Trail currently traverses through this environment in a near pristine natural setting, with few visual intrusions.
3. The scenic environment of the Appalachian Trail on Saddleback Mountain would be altered by any ski-area development in the “saddle bowl” or any ski-area development on the southeast side of the mountain. The closer the development is to the Trail in these areas, the more visible and intrusive the impact. The visual impacts of ski area development in the foreground zone, and particularly ski area development within a few hundred feet of the Trail, would be difficult if not impossible to mitigate.
4. The section of the Appalachian National Scenic Trail across Saddleback Mountain currently provides numerous opportunities for experiencing high-quality backcountry hiking and camping in a near pristine natural environment. These recreational opportunities



– in terms of remoteness, scenery, challenge, and solitude – are some of the highest-quality opportunities offered anywhere along the entire length of the Appalachian Trail.

5. The subalpine spruce-fir forest community is important for several reasons and should be disturbed as little as possible. First, this community provides breeding habitat for Bicknell's thrush, which is ranked as the top conservation priority among neotropical migratory birds in the northeastern United States. Second, subalpine spruce-fir forests are important for protection of high-elevation soils and water quality. Third, this community is considered relatively rare in and of itself.
6. Soils and vegetation at the highest elevations of Saddleback Mountain are highly vulnerable to disturbance. Increased efforts should be taken to keep visitors on existing pedestrian trails, including the Appalachian Trail, to reduce erosion. Clearing of vegetation at higher elevations (as would be needed for construction of ski lifts and trails) also would result in increased erosion, particularly on steeper slopes.
7. Although intervening terrain and vegetation obscure most of the existing and proposed ski-area development inside the established Planned Development (P-DP) subdistrict, the proposed Upper Advanced and Sundance lifts are still likely to have some impact on the Appalachian Trail. However, if the mitigating measures required by the Maine Land Use Regulation Commission are incorporated into the design and operation of the facilities, these impacts are likely to be less significant.
8. Eddy Pond is important because of its water quality, fisheries, and remote recreational opportunities. It has been identified by the Maine Land Use Regulation Commission (LURC) as a "management class 6 lake," which means that development is currently prohibited within a one-half-mile protection zone surrounding the pond. LURC also has identified Eddy Pond as a "water-quality limited lake," which means that LURC is likely to deny authorizations for any activities that could degrade its water quality.
9. Using Eddy Pond for snowmaking purposes would adversely affect the water quality, fisheries and the remote recreational opportunities provided by the pond. Adding water from other sources would adversely affect water quality. Drawing water levels down, particularly during winter months when the lower water levels would allow deeper portions of the pond to freeze, would adversely affect fisheries. Damming water would change the remote recreational setting to a more developed setting.
10. Saddleback Ski Area has the necessary approvals to expand and construct four new lifts and six new trails, provided it submits the necessary documentation to the Maine Land Use Regulation Commission (LURC) regarding impacts to visual resources, soils, and vegetation. Saddleback could effectively double its capacity by constructing the four lifts and six ski trails approved by LURC. These approvals have been in effect since 1994, when LURC issued an amendment to its preliminary approval (issued in 1989) of Saddleback Ski Area's planned development application.

11. Saddleback Ski Area is important to the economy of the Rangeley region and could become even more important if it chooses to expand its operations. It currently provides approximately 65 seasonal jobs and five full-time jobs (for a total of 21 FTEs). If Saddleback were to undertake a modest level of expansion (as would be the case under Alternative #1), Saddleback could employ an additional 168 FTEs and generate 49 additional new jobs in Franklin County. If Saddleback Ski Area were to undertake a significant expansion (as would be the case under Alternatives #2, #3, and #4), it could employ between 469 and 605 additional FTEs. In addition, this level of expansion could generate between 279 and 432 additional jobs in other employment sectors in Franklin County.
12. Saddleback Ski Area needs to upgrade its existing facilities and expand if it is to compete with other major ski areas in Maine and eastern New Hampshire. The prevailing wisdom is that ski areas need to grow to maintain their existing clientele and attract new customers. The biggest ski areas are gaining an increasing share of the market, and the smaller ski areas are falling behind.
13. If Saddleback Ski Area expands, it needs to provide a full complement of resort facilities and amenities, including an adequate bed base, cultural opportunities, and other recreational opportunities in addition to skiing.
14. It would be highly desirable for Saddleback Ski Area to be able to provide a balance of skiing terrain, including beginner and expert terrain. However, this is not an absolute prerequisite for success. There are a number of very successful ski areas in the Northeast – Stratton, Okemo, Bretton Woods, and Sugarbush – that have little or no pure expert terrain. Alternative #2 as currently configured would result in a shortage of expert terrain; Alternatives #3 and #4 both provide for a near-ideal balance of opportunities for beginners through experts.
15. Saddleback Ski Area faces a number of challenges to expansion. The most significant obstacle is its relative inaccessibility, but limited infrastructure, lack of resort-based development, and competition from established ski resorts in a competitive market also present challenges.
16. Ski-area expansion onto the southeastern slopes of the mountain would require construction of two crossings of the Appalachian Trail and ski-area facilities and lifts that would have adverse impacts on high-elevation soils and the subalpine spruce-fir forest community and be directly visible from the Appalachian Trail and the summit of Saddleback Mountain. Ski area expansion on the southeast side also would be hampered by its inaccessibility from the main ski area facilities and the costs and operational difficulties associated with constructing lifts and trails in steep, inaccessible terrain and providing utilities, base area facilities, and emergency access in a remote location.
17. Approximately 9,300 feet of catwalks would have to be constructed to connect the southeastern side to the existing ski area, which would require either substantial cut-and-fill or extensive snowmaking to construct a running surface with a level cross-grade across 35

to 50% side slopes. Each catwalk would require a running surface at least 22 feet wide to allow adequate room for snow-grooming and a cleared area up to 50 to 100 feet in width, depending on side slopes. In effect, these catwalks would be two roads, each of which would require substantial excavation and removal of subalpine spruce-fir forest and spruce-slope forest communities at elevations up to 3,800 feet.

18. The “saddle bowl” provides excellent terrain for ski area expansion. Expansion into this area is important if Saddleback Ski Area is going to be able to expand significantly and attract more destination skiers.
19. Ski area expansion in the highest elevations in the “saddle bowl” would require removal and fragmentation of between 20 and 55 acres of subalpine spruce-fir forest. Exposure to wind and extreme weather may affect remaining vegetation. In addition to the impacts to this exemplary natural community, removal and fragmentation may have some adverse impacts on Bicknell’s thrush. Further studies would have to be conducted to determine whether or not these impacts are significant.
20. On-the-ground studies have not been conducted for rare plant and animal species and exemplary communities. Further studies are needed to determine the presence or absence of other rare plant and animal species that are dependent on alpine and subalpine habitats.

### **Future Decisions to be Made**

The National Park Service intends to make a final determination regarding protection of the Appalachian National Scenic Trail after resuming negotiations with the landowner. The final corridor that is selected may be one of the four alternatives considered in the Environmental Assessment, or it may be a combination of portions of each of the alternatives. Clearly, the environmentally preferred alternative would be Alternative #1. Conversely, Alternative #3 is potentially the most desirable from an economic development standpoint (though this depends in large part upon subsequent actions by Saddleback Ski Area). The National Park Service has committed itself to selecting an alternative that both protects the Appalachian National Scenic Trail and takes into account the concerns of the Rangeley region for economic development.

At this time, the National Park Service has identified Alternative #2 as its Preferred Alternative. While the National Park Service has tentatively identified Alternative #2 as its Preferred Alternative, a final decision has not been made and this summary report should not be considered a decision document. Negotiations with the landowner still must ensue prior to a final decision by the National Park Service. Upon completion of those negotiations, the National Park Service will issue a final decision, based upon the outcome of those negotiations, the input received from the public, the documentation provided in the Environmental Assessment and this Summary Report, and any other factors that may be relevant to the protection of the Appalachian National Scenic Trail across Saddleback Mountain.